AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Sir, he has drawn my name also. It is a fact that I was present in the House when the demand was made by Mr. Ahluwalia and many other Members and it was agreed upon by Mr. Jaipal Reddy that Bihar must be taken up right now. I was ready with the statement. Then the other subjects were taken up for discussion. Therefore, I went to the Lok Sabha to make a statement on the Nagaland issue. After that I returned and I am waiting here even now. I am in the hands of the House. I am ready with the statement on Bihar. I am ready to go ahead with the statement. *(Interruptions)*.....

SHRI S. JAIPAL REDDY : No, no. When the Vice-Chairman has already given a ruling that ruling must be stuck to. *(Interruptions)*.... There is a listed business. *(Interruptions)*...

SHRI S.S. AHLUWALIA : The opposition is not interested because his party has killed our MLA. *(Interruptions)*....

AN HON. MEMBER : No, no. That is totally wrong. *(Interruptions)*...

SHRI S.S. AHLUWALIA : They want to hide it. *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Mr. Ahluwalia, I have already ruled. *(Interruptions)*... You please sit down. *(Interruptions)*... Mr. Reddy, you go on. *(Interruptions)*...

SHRI S. JAIPAL REDDY : How can I go on, Mr. Vice-Chairman? If other Members are standing, how can I speak? You cannot restore the House to order; you cannot adjourn the House. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Mr. Ahluwalia, with all your strong sonorous voice you must control yourself. It is not proper. I have given a ruling twice. Now you are still persisting. *(Interruptions)*...

SHRI S.S. AHLUWALIA : Now, you throw me out. I will go. What do you do? *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : I am not going to name you. You have a right to raise the point. *(Interruptions)*...

SHRI S.S. AHLUWALIA : His party has killed our MLA. *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Mr. Jaipal Reddy, you go ahead. *(Interruptions)*...

SHRI S.S. AHLUWALIA : They did not want to discuss it. This is the reason.

SHORT DURATION DISCUSSION RE: AWARD OF CONTRACT FOR PURCHASE OF ELECTRIC LOCOMOTIVES TO A SWISS FIRM

SHRI S. JAIPAL REDDY : Mr. Vice-Chairman, today I wish to draw the attention of the House to the manner in which the Minister of Railways has placed a letter of acceptance for twenty AC III-phase 6000 horse power locomotives.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Mr. Reddy, if you don't mind there is one small matter, that is, a statement has to be laid on the Table of the House by Mr. Jacob. *(Interruptions)*...

SHRI YASHWANT SINHA (Bihar): That has to come later.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Why?

SHRI YASHWANT SINHA : We have some comments to offer.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Your comments will be reserved. Let him lay it.

SHRI YASHWANT SINHA: Why should he lay it right now?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : He is just laying it. *(Interruptions)*... Just listen to me. It is a constitutional requirement that the proclamation and the order has to be laid on the Table of the House.

5.00 P.M.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : It is a Constitutional requirement that the proclamation and order have to be

laid on the Table of the House.

SHRI YASHWANT SINHA : What is the time prescribed for laying it? (*Interruptions*)

The time is prescribed Constitutionally that it must be laid at 5 O'clock on any day. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : Yes, Mr. Jacob. (*Interruptions*).

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB) : I am not making a statement on Nagaland. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : He is not making a statement. He is just laying it. Your clarifications will remain.

SHRI M.M. JACOB : I lay on the Table a copy...(*Interruptions*).

SHRI YASHWANT SINHA : Mr. Jacob, will you please yield for a moment? This is a joint action. To make a statement and to lay it on the Table is a joint action. On the statement we have a right to seek clarifications. (*Interruptions*).

SHRI S. JAIPAL REDDY: I have already started. How can I be disturbed?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR) : It is merely a laying down.

SHRI S. JAIPAL REDDY : I protest. Let us stick to the listed business. You have already given your ruling more than three times. I have already started my speech. Let me go ahead with that.

श्री सुरेन्द्रजीत सिंह अहलुवालिया (बिहार) : उपसभाध्यक्ष महोदय, मै एक आश्वासन चाहूंगा। जिन लोगों ने यह कहा है कि बिहार का स्टेटमेंट अभी नहीं होगा, जिन लोगों ने विरोध किया है, जब तह बिजनेस समाप्त नहीं होता तब तक वे बैठे रहेंगे, तब तक एक भी सदस्य घर नहीं जाएगा।

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): They have already agreed.

SHRI S. JAIPAL REDDY: I want to assure you that we will be here up to mid-night. Mr. Vice-Chairman, I am obliged to make a beginning from the beginning again. I wish to draw the attention of the House to the manner in which the Minister of Railways has placed a letter of acceptance for purchase of 20 AC three-phase 6000 horsepower electric locomotives and 10 passenger locomotives with Asea Brown Boveri. From now on I will refer the Asea Brown Boveri as ABB for convenience. The Letter of Intent was placed on 18th March, 1992. In this placement hangs a tale whose stink rises to high Heavens. I have participated in the discussion with many deals. There have been deals, of higher magnitude, but no deal I have dealt with has turned out to be more brazen, more nauseating than the one I am going to narrate. Before I refer to the stink, let me narrate the story. The story is long, labyrinthine and tortuous. All the same time let me try and narrate it in a concise manner. The Asian Development Bank sanctioned a loan of 190 million dollars for purchase of these locomotives in December, 1987. The loan became effective from 1st March, 1988. Two global tenders were earlier floated. For various reasons they were discharged. Then the third global tender was floated in response to which many bids were filed. Those financial bids were opened in June, 1991. I have mentioned these few things by way of a brief background. The Tender Committee looked into these financial bids. The technical evaluation had been done earlier. What did the Tender Committee say? Sir, before I proceed to refer to the documents, I obtained the permission of the Chair and let me therefore place the documents relating to the Department itself on the Table of the House.

I am taking full responsibility for the veracity of these files. I am authenticating them. I may kindly be permitted to lay them on the Table of the House...(*Interruption*)...

SHRI V. NARAYANASAMY (Pondicherry): No, Sir, he cannot lay them on the Table of the House...

SHRI S. JAIPAL REDDY: The Chairman has already permitted me...

SHRI V. NARAYANASAMY: How do we know that? He can bring umpteen number of documents and place them on the Table...

SHRI S. JAIPAL REDDY: I would request the hon. Vice-Chairman to get them placed in the library and I am sure Mr. Narayanasamy's conscience will respond...

SHRI V. NARAYANASAMY: Mr. Vice-Chairman, Sir...

SHRI S. JAIPAL REDDY: I am not yielding, Sir...

SHRI V. NARAYANASAMY: I am on a point of order. How can you not yield?... Sir, the Leader of the Opposition while speaking said that he was laying a few papers on the Table of the House. He said he was laying certain documents and the Chairman had already permitted him. I would like to know from the Chair, now that you are presiding, which are those documents that have been allowed by the Chair? That should be clear. Where is the permission?...

SHRI S. JAIPAL REDDY: You can check up with the Secretariat...

SHRI V. NARAYANASAMY: I want your ruling, Sir...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Which are the documents that have been allowed?...

SHRI V. NARAYANASAMY: Where is the permission...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please, let us do one thing. Let him continue with his speech...

SHRI V. NARAYANASAMY: What about your ruling, Sir?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Nothing is being laid on the Table...

SHRI S. JAIPAL REDDY: I have obtained the permission of the Chair. I am in the hands of the Chair...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I have not seen the documents and I cannot allow you...

SHRI S. JAIPAL REDDY: You can check up with the Secretariat. Anyway, I will continue with my speech... Sir, I have before me the Tender Committee Report. Now, after the bids were opened this work was to be looked into by the Tender Committee. What did the Tender Committee say? Number one, Tender Committee considered BHEL to be category one bidder. What is category one bidder? Any Indian company which promised to add 20 per cent domestic value would be considered category 1 bidder. Any Indian company which promises to add 20 per cent value to the imported equipment is to be considered category 1 bidder and it will be entitled to 15 per cent price preference. So, the Tender Committee considered the BHEL-Hitachi offer as category 1 bidder. Quite apart from that, BHEL was also considered cheaper than its rival Asea Brown Boveri (A.B.B.) even without this price preference because BHEL enjoyed customs duty exemption. This was the inference of the Tender Committee...

SHRI H. HANUMANTHAPPA (Karnataka): Can you give us the figures...

SHRI S. JAIPAL REDDY: I will go into the details...The point I am trying to make is that the Tender Committee considered BHEL the cheapest in terms of all the three categories, 1, 2, and 3. The Tender committee also opined, since all the bids had become expensive the whole bid could be discharged.

These were the opinions recorded by the Tender Committee. The opinion of the Financial Commissioner, Mr. Radhakrishnan, on 15.8.1991 was expressed in favour of BHEL. This was also the opinion of the Member, Electrical, Mr. N. Venkatesan, on 12.8.1991. So, this was not only the opinion of the Tender Committee, this was also the opinion of the Member, Electrical and the Financial Commissioner. On 21.8.1991, the Chairman of the Railway Board took his own view. He thought that the whole thing had become unaffordable not only from the view-point of the cost but also from the view-point of foreign exchange outgo. He, in his note, referred to the unprecedented foreign exchange crunch that free India is facing. He said that there was a cheaper alternative available, that is, Thyristor technology, which had been imported by India two years back. And he said that the development of that technology would give us a head-start in terms of time. Talking of commitment charges—a point that has been flagged by the Railway

[Shri S. Jaipal Reddy]

Ministry—the Chairman of the Railway Board in his note on 21.8.1991 had suggested a way out of the commitment charges. He said that the commitment charges could be escaped. I am placing the note before you. After that, the file travelled to the Minister of Railways. It was with him from August to October, for full two months. Now, the Ministry of Railways says that every day lost is 4,000 dollars lost. When this file was lying with the Ministry of Railways for two months, no concern was felt about this loss of commitment charges on daily basis. I don't know what Midas touch the Railway Minister has lent to the file. From the last week of October, the file's noting began to change. Till 24th October, 1991, the Member, Electrical and the Financial Commissioner considered the BHEL to be the Number 1 bidder... (*Interruptions*) Okay, the category 1 bidder. I stand corrected. I also meant the other thing. But I am prepared to accede to this. Till 24th October, the BHEL was the hot favourite of everybody. On 30th October, a mysterious memorandum was sent to the Asian Development Bank by the Ministry of Railways taking the following positions. Number 1 position that the memo took was that the BHEL was not qualified to be category 1 bidder because they didn't have the capacity and they didn't convince the Ministry of Railways that they would be able to add 20 per cent domestic value.

Number two: Asea Brown Boveri was the lowest in terms of its financial offer. By disinforming the Asian Development Bank, permission from the Asian Development Bank was obtained by fraudulent means, in a clandestine fashion. After this mysterious memo was sent, the concerned officers began to set the paper record straight. What did they do On 24th December, 1991 the Financial Commissioner and the Railway Minister decided against BHEL as category I bidder. They decided that the contract should be awarded to ABB. The memo had been sent already on 30th October. This noting was made both by the Financial Commissioner and the Minister of Railways on the same page. I have got it with me. It was on 24th December, 1991. And they also said categorically, "Now that we have decided, the matter should rest there." I am quoting the file verbatim, page 339. And the Financial Commissioner took a view that the Tender Committee had ceased to exist; since the Tender Committee had already made its recommendation, it had ceased to exist. And he said it would be vexatious to refer to the Tender Committee all the time; therefore, the Minister of Railways should approach the Minister of Finance and get his clearance. This was again on file. But within two days the Financial Commissioner changes the view and on 26th December, 1991 the Financial Commissioner says the Tender Committee should re-examine as to whether BHEL is really capable of this. I don't know how a committee that had ceased to exist came to be revived. The Tender Committee met on 30th, December and in spite of the pressure of the Financial Commissioner and, of course, of the Minister of Railways, stuck to its guns. Full two months after the memo had been sent to the ADB, the Tender Committee stuck to its guns and favoured BHEL. The Tender Committee was forced to meet again and it met again the following day, on 31st December, 1991 and was coerced into making a note that there was room for doubting the capability of BHEL. The Tender Committee even then did not say that BHEL was incapable of doing so. The only thing they said was there was room for doubt. I would like to know how the Tender Committee was compelled to stage a somersault evern to this limited degree within twentyfour hours. Now, this file goes to the Department of Economic Affairs because the PM's Office and the Cabinet Secretariat, both, directed that this matter should be examined by the Department of Economic Affairs. And the Department of Economic Affairs examined it on 7th February, 1992. Mr. Sudhir Kumar, Director of the Asian Development Bank Division in the Department of Economic Affairs, looks at the whole affair.

He finds fault with the recommendation made by the Railway Ministry. He faults the Financial Commissioner. He is surprised at the manner in which the memo had been earlier sent to the Asian Development Bank and, what is more, he observes:

"The Tender Committee was overruled

by the superiors without any sufficient basis."

He notes:

"The Tender Committee holds a view in favour of the BHEL, firstly on the 14th August, 1991, secondly, on the 19th October, 1991, and thirdly, on the 30th December."

Three times the Tender Committee took a view in favour of the BHEL. And, Sir, Mr. Sudhir Kumar notes that the Tender Committee had never disqualified the BHEL, but it had only expressed a doubt and the expression of a doubt was not the same thing as rejection of the claim of the BHEL. He makes this distinction specifically.

He further says:

"The memo sent by the Railway Ministry to the Asian Development Bank in a mysterious manner was not based on the recommendations of the Tender Committee."

He now talks of technical designs, Bo-Bo-Bo design and the Co-Co design. In the recent press note given by the Railway Ministry, the Railway Ministry claims that the Co-Co design is the latest design, is in operation all over the world. But Mr. Sudhir Kumar says that the ABB Co. itself had admitted that the Co-Co design had been recently invented, it had not been put into operation in any part of the world, and still on trial. And then, Mr. Sudhir Kumar talks of one GTO instrument. He says that the GTO is an important instrument, is virtually the monopoly of Japan though some GTOs are produced in the USA... (*Time Bell rings*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Your time is up.

SHRI S. JAIPAL REDDY: There is no question of time, Sir, in this.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): It is a question of time. I have already said that you must complete it.

SHRI S. JAIPAL REDDY: On GTO, he has said that the ABB has not indicated the source of the GTO which, according to him, is very vital. This contract was divided into three bits in contravention of the original tender conditions and a new company, the ABB, New Delhi, was out to enter the scene which had not been a co-bidder and, in the note or Mr. Sudhir Kumar, a reference is made to a 3 billion dollar contract which was entered into by the Marcos regime in the Philippines for a nuclear power plant which did not work for ten years. But the bank guarantee given by the Swiss bank could not be drawn upon. He said: "A guarantee from a Swiss bank was being taken which is not dependable and, according to the original tender conditions, the guarantee was to be obtained from an Indian nationalised bank." He finds fault with the way in which the Railway Minstry agreed to refer the dispute to the ICC, the International Chamber of Commerce. Sir, this would leave the interests of the Railway Ministry unprotected. And he also says in the note that even if the BHEL, is not considered an indigenous company because of the exchange rate on the closing date, the BHEL's bid was Rs.50 crores cheaper. This was the comment made by Mr. Sudhir Kumar. And he pleaded that a representation should again be made to the Asian Development Bank in the light of these facts and the Asian Development Bank could be persuaded to change its opinion. And he concluded that the BHEL is the cheapest under all categories. (*Time Bell rings*)

I am completing now.

श्री चतुरानन मिश्र (बिहार): चीपेस्ट तो है, कमीशन कुछ दिया या नहीं?

SHRI S. JAIPAL REDDY: BHEL is a public sector Indian company; it is not even HW. Anyway, then the matter goes to the Committee of Secretaries chaired by Mr. Montek Singh Ahluwalia on the 10th February. The Heavy Industries Secretary takes the view that the claim of BHEL has been unjustly ignored. Mr. Montek Singh Ahluwalia takes the view that the contract was improperly divided into bits and he also took the view that the performance bonds on bank's warranty, bank guarantee, were both diluted from 10 to 2 per cent in contravention of the original tender conditions. The Railway Finance

[डा॰ अबरार अहमद]

Commissioner was a member of the committee; he says, "we belong to the Railway Board, we are not under the control of the Committee." And the Railway Board Chairman was conveniently ignored. The Railway Board is important.

डा॰ अबरार अहमद (राजस्थान): एक मिनट, जिस सेक्रेटरी, कमेटी का माननीय सदस्य ने जिक्र किया, क्या वह बता सकेंगे कि उसने इसको एप्रूव किया या डिसएप्रूव किया?

SHRI S. JAIPAL REDDY: I will come to that. I do not know. It is for the Minister to answer.

The Committee of Secretaries, in view of the opinion expressed by the Ministry of Railways, left the matter to the Ministry of Railways. The ball was thrown into the court of Mr. Jaffer Sharief. Do you want to know? *(Interruptions)*

The Minister of Finance considered the matter on the 14th March 1992. What did the Minister of Finance say? I am not referring to the file because I have no time. He said that since the Minister of Railways takes the responsibility, we are leaving it to their judgement. The PM's office was... *(Time Bell rings)* because they said that the deadline was being lost. No clearance was obtained from the Public Investment Board. No clearance was obtained from the Cabinet Committee on Economic Affairs for a contract worth more than Rs. 500-600 crores. BHEL's technical competence had been acknowledged--not once, three times--because tenders were quoted twice earlier. BHEL was considered competent. And now BHEL, a public sector company, is suffering from lean order position. That is not taken into consideration.

And what is more, Mr. Vice-Chairman, ABB refused to part with technology with any public sector company. They said: we will choose our partner. And the Finance Ministry was approached by the Railway Minister for seeking exemption from customs duty. I must say in fairness to the Finance Ministry that the Finance Ministry has not granted exemption from customs duty. Apart from all this, the contract to the ABB leads to a larger foreign exchange outflow. It is very clear, Mr. Vice-Chairman, Sir, that all the norms of awarding a contract were blatantly violated. I have referred to many other scandals. But I must say, the norms in any scandal were not so flagrantly contravened as in this case. I, therefore, demand a Committee of the House to inquire into it. In my view, the Minister of Railways has been caught red-handed. The Finance Commissioner, Mr. Radhakrishnan, was given one month's extension. The Minister of Railways, Mr. Jaffer Sharief took a view on the file and it is on public record that Mr. Radhrakrishnan should be given one year's extension. But before that, the Cabinet Committee on Appointments had cleared the name of Mr. C.S. Anand for the job. In spite of that, the Minister of Railways took a view in favour of the Financial Commissioner, Mr. Radhakrishnan. All this shows that Mr. Jaffer Sharief has a lot to hide. He might use all the perfume available in the world, but...

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): What has he got to hide when you have got all the facts?

SHRI S. JAIPAL REDDY: I think, he has no option but to submit himself to an inquiry by the House Committee. If he does not, I will as well assume that apart from Mr. Jaffer Sharief, many others in the Government are involved in this scandal.

SHRI H. HANUMANTHAPPA: Mr. Vice-Chairman, Sir, the Leader of the Opposition, while concluding his speech said that Mr. Jaffer Sharief has a lot to hide. But I charge that the Leader of the Opposition has also hidden so many things. Even though he has got the papers on his table...

AN HON. MEMBER: Which he claims.

SHRI H. HANUMANTHAPPA: Of course, he claims he has got the papers on his table. But, before proceeding further, I want to ask the Railway Minister whether the file connected is still in the Railway Ministry. Or, is it in the Office of the 'Indian Express' or is it in Mr. Jaipal Reddy's office? The Railway Minister has to come out categorically where the file is as of today...

SHRI V. GOPALSAMY (Tamilnadu): Or the ABB Company.

SHRI H. HANUMANTHAPPA: The Minister will answer. So, a lot has been hidden by Mr. Reddy quoting only what suited him.

Sir, Mr. Reddy has started with the history of the case. Let me also fill up the blanks which he has forgotten or deliberately omitted.

Where I agree with him, I will not quote. Where I disagree with him, I will quote what he has hidden.

SHRI N.E. BALARAM (Kerala): That is good.

SHRI H. HANUMANTHAPPA: I want to fill up the gaps so that Mr. Yashwant Sinha can continue.

In the first bid, in 1987, tenders were floated. October, 1989 was the first bid open when Mr. Jaipal Reddy was in full power. *(Interruptions)* In the next bid, he was in charge. I am sorry. I stand corrected.

SHRI S. JAIPAL REDDY: There were so many regimes. There is reason to get confused.

SHRI H. HANUMANTHAPPA: Naturally. People elect for five years, but the Governments go away within 11 months and six months. So, it is very difficult to remember the periods.

SHRI V. GOPALSAMY: But this Government will be there till December.

SHRI H. HANUMANTHAPPA: Full term, not till December, Mr. Gopalsamy. You need not have any doubt.

Actually the first bid was in October 1989 when BHEL's bid was totally rejected because they had not filled up the documents in a proper form. So it was not even thought to be worth considering.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): May I have the leave of the House to request Mr. Narayanasamy to take the Chair?

SOME HON. MEMBERS: Yes, yes.

[Shri V. Narayanasamy in the Chair.]

SHRI YASHWANT SINHA: We are very happy.

SHRI CHATURANAN MISHRA: The House will be more peaceful.

SHRI VISHVJIT P. SINGH (Maharashtra): This has become a regular feature.

SHRI H. HANUMANTHAPPA: The public sector undertaking for which Mr. Jaipal Reddy has been holding brief all the while, did not have the patience to go through the conditions and to file papers in the proper form in a global tender.

SHRI S. JAIPAL REDDY: Let me make one point, Mr. Hanumanthappa, you come to the third bid. The problem with all of you is that you get lost in history.

SHRI H. HANUMANTHAPPA: I am coming to that also because I have already said that I will fill up the blanks which you missed. I am not here to speak what you want; I am here to speak what I want to speak.

SHRI N.E. BALARAM: You fill up the gaps.

SHRI H. HANUMANTHAPPA: At this stage, after the first bid, Planning Commission intervened. They appointed an expert group to find out whether the Railways are right in going in for this technology. Sir, Mr. Jaipal Reddy quoted the Railway Board's Chairman. He quoted the Chairman's noting of 24th September 1991 about this technology after the Thyristor technology which is a proven technology. But what was the position in 1989? Planning Commission had gone into the details by appointing an expert group to find out whether the Railways' claim or demand for locomotives of this 3-phase technology is right or not. What was the opinion of the Planning Commission's group? I will quote: "The need for introduction of high horsepower locomotive incorporating the state-of-art 3-phase technology is established beyond doubt in view of the technological, operational and economic considerations." Based on this view, Railways followed up further tenders. Option was not left to the Chairman of the Railway Board till as late as September, 1991 to say that this technology is wrong and that we should have opted for another technology. He had every opportunity to come before the Planning Commission when the Planning Commission appointed a special group to examine this part of it.

The second bid was in October, 1990. By that time, you know about the change of government; you were there. Again BHEL along with Sumitomo were the contenders. You are right on tender committee findings and I repeat what you said: "Any Indian company which added 20 per cent of the value is entitled to be considered as category one which will get the price preference."

You are right. But now the burden

[Shri H. Hanumanthappa]

shifts to BHEL to prove that they are capable of and are producing 20 per cent of the products in India and are entitled to be considered as category I and are entitled to the price preference. Here comes the crucial question. I agree, the Tender Committee opined that BHEL should be considered as category I subject to the condition that it should fulfil the condition of 20 per cent indigenisation. Right. So, after this, the third bid—the final bid—I am coming to.

SHRI S. JAIPAL REDDY: I am asking one question. You appear to have studied it quite well. The point is, when the second bid was considered, was BHEL found capable of adding 20 per cent value or not? Mention this.

SHRI H. HANUMANTHAPPA: I am coming to it....*(Interruptions)*...I don't know. ...*(Interruptions)*...please, please.

THE MINISTER OF RAILWAYS (SHRI C.K. JAFFER SHARIEF): You listen to whatever he says. Whatever he does not say, I don't know because I don't know from where he is quoting. I will quote from what I have.

SHRI S. JAIPAL REDDY: Therefore, let's go to a committee.

SHRI H. HANUMANTHAPPA: Let the House decide.

SHRI S. JAIPAL REDDY: I am not saying that Mr. Jaffer Sharief should be dismissed. I am only asking him to submit himself to a committee of inquiry.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Leader of the Opposition, let Hanumanthappaji speak.

SHRI H. HANUMANTHAPPA: Sir, this second tender lapsed and the third tender came in. By the time BHEL was to quote for the third tender, it knows the decision of the Tender Committee, it knows the conditions of the tender, that if at all it wants to claim the price preference, it should satisfy the buyers that it is capable of producing 20 per cent of the products indigenously.... *(Interruptions)*... Sir, this is the form of tender which was quoted by BHEL, a public sector undertaking. ...*(Interruptions)*...

SHRI YASHWANT SINHA: Have you also got it from the *Indian Express?*

SHRI H. HANUMANTHAPPA: He who has supplied it to Mr. Jaipal Reddy has supplied to me also.

SHRI S. JAIPAL REDDY: For which bid?

SHRI H. HANUMANTHAPPA: Third bid. By that time BHEL was noticed and noted that it should satisfy the buyer that it is capable of managing 20 per cent of the products indigenously. Sinhaji, this is very interesting, I want to draw your attention to this. This is the sheet in which items, value of components imported, duties, other levies and incidentals are mentioned. This is the foreign portion. Indian portion: value added component in India. Then comes the total, ex-factory, etc., etc. Each item has been given. Freight locos, passenger locos, muscling wheel, motorized test, transfer of technology, etc. Columns have been given, items have been given. The whole form is blank except the writing in one sentence: Total content of the order is this. This is the way the so-called BHEL, the pretigious public sector undertaking of this country, has filled up this form. It is signed; I have got a copy. I am not demanding to lay it on the Table. ..*(Interruptions)*..

SHRI S. JAIPAL REDDY: Sir, I am on a point of order. If anybody quotes from an official document, he should be prepared to lay it on the Table of the House. Since he has quoted from an official document, it must be laid on the Table of the House. That is the rule...*(Interruptions)*..

SHRI N.E. BALARAM: It becomes the property of the House.

SHRI S. JAIPAL REDDY: It becomes the property of the House.

SHRI DIPEN GHOSH (West Bengal): Mr. Vice-Chairman, on a point of order.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Members are also quoting from newspapers. So, can newspapers be laid on the Table?.. *(Interruptions)*.. Unless the Member wants, I cannot compel him to lay it on the Table of the House.

...*(Interruptions)*...

SHRI RAM AWADHESH SINGH (Bihar): There is a difference between a public document, an official document and a newspaper. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Let Mr. Dipen Ghosh say something.

SHRI DIPEN GHOSH: What I could follow from Mr. Hanumanthappa's statement is that he was quoting from a tender form filled up and submitted by the BHEL to the Railway Board. Normally, an outsider is not supposed to get hold of such a paper of the Railway Board which is dealing with the tender papers, that is, the tender committee. In order to bring home his point of view, he has stated that this was a tender form, that this was filled up accordingly, that the BHEL did not fill it up fully. Obviously, Mr. Vice-Chairman, except the members of the tender committee or the officers who are supposed to scrutinise those tender papers, no one else is supposed to get hold of that paper. But, anyway, when the hon. Member, to bring home a particular point of view, is quoting from that tender form, he should authenticate it and lay it on the Table. Otherwise, he should not be allowed to quote from that paper. This is the point of order. I want a ruling Sir.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Member is referring to some document.

SHRI S. JAIPAL REDDY: He is quoting from the tender paper.

SHRI DIPEN GHOSH: From the tender paper submitted by the BHEL. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): One point I would like to make very clear. He is reading from some document. I do not know which document he is referring to. *(Interruptions)*

SHRI DIPEN GHOSH: He has himself stated that it was the tender paper.

SHRI MISA R. GANESAN (Tamil Nadu): He himself that it was a tender paper. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I cannot compel the Member to lay it on the Table any document. Unless the Member volunteers, I cannot ask him to do so.

SHRI DIPEN GHOSH: You consult the rule.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly hear me. *(Interruptions)* I would like to make it very clear. *(Interruptions)*

SHRI RAM AWADHESH SINGH: It becomes the property of the House. He cannot withdraw it. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I would like to make it very clear that no Private Member is allowed to lay on the Table of the House any document.

Mr. Hanumanthappa, you can proceed. Don't quote any doucment. You proceed.

SHRI DIPEN GHOSH: No, Mr. Vice-Chairman. I want a ruling. Except a Minister, no one can quote from an official file, and if any Member quotes from an official file, he should authenticate it and lay it on the Table.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): He is not saying that it is an official document. ..*(Interruptions)*

SHRI DIPEN GHOSH: He said that.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I will go through the record. *(Interruptions)*

SHRI V. GOPALSAMY: He has said that. *(Interruptions)*

SHRI MISA R. GANESAN: He has categorically said that it was a tender form.

SHRI RAM AWADHESH SINGH: It is a tender form.

[The Vice-Chairman (Shri Shankar Dayal Singh) in the Chair]

SHRI S. JAIPAL REDDY: Mr. Vice-Chairman, I must acquaint you of what has happened earlier in the House.

Mr. Hanumanthappa quoted from a tender document. I have no objection to it. I also did the same thing. What I am saying is that when a Member, be he a Minister or a Member—Mr. Dipen Ghosh I disagree with you—when a Member quotes from an official document, he must be willing to place it on the Table of the House, authenticate it and take the responsibility for it. Otherwise, you cannot allow him to quote from it. And I welcome any opportunity that is being taken by Mr. Hanumanthappa to lay any document on

[Shri S. Jaipal Reddy]

the Table of the House.

SHRI YASHWANT SINHA: May I just clarify the rule which governs this? It is Rule 249. It is quite true that this Rule relates to Ministers. If a Minister quotes from a document, then, the Minister shall be required to lay that paper on the Table of the House, a state paper. It follows that when somebody else also quotes from a state document, a state paper, then, he should be prepared to lay it on the Table of the House with authentication. Otherwise whatever claim he is making will not be taken seriously. Suppose we challenge what Mr. Hanumanthappa is saying and say what he is saying is untruth, how does he prove himself then? He can prove it only by laying it on the Table of the House just as Mr. Reddy had laid those papers which he was referring to on the Table of the House.

श्री राम अवधेश सिंह: महोदय, मैं यह कहना चाहता हूं कि यह सदन की सम्पत्ति हो जाता है उस समय जब कोई सदस्य किसी सरकारी या पब्लिक डाकुमेंट से या रिकार्ड से कोई कोट करता है। यह तो सदन की प्रोपर्टी हो गया। ये कहें कि सदन की प्रापर्टी नहीं है, मैं उसको नहीं रखूंगा, यह इनका आपशन नहीं है। यह मैं कहना चाहता था और इस पर मैं आपकी व्यवस्था चाहता हूं.....**(व्यवधान)**।

श्री सन्तोष बागड़ोदिया (राजस्थान): श्री राम अवधेश सिंह तो सम्पत्ति में विश्वास नहीं करते हैं तो फिर सम्पत्ति की बात कैसे करते हैं?

SHRI H. HANUMANTHAPPA: It has already been ruled.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No. Please hear me first.

मैं तो पहले नहीं था, इसलिए मैंने यह नहीं देखा कि विवाद किस बात को लेकर हुआ है। मैं रूलिंग रिजर्व रखता हूं। जो भी आपने कहा वह मैंने सुना, आपकी बात सुनी, उनकी बात भी सुनी। श्री हनुमनतप्पा जी, अब आप कान्टिन्यू करें।

SHRI H. HANUMANTHAPPA: I was telling about the capability of a public undertaking, which is the root cause of all this rumpus; how efficiently it has approached the measure through a tender. That was my point. (*Interruptions*) The initiator asked me to concentrate on the third tender. I am concentrating on the third and the final tender. What was the position of both the companies as on that day? The BHEL had no technology of its own. It had Hitachi technology of Sumitomo Company. It had no experience of manufacturing these locomotives. It had not produced a single locomotive as on that tender date. No trials of these locomotives had been made. As compared to this, what the position of the ABB? It had its proven technology. It had experience of producing locomotives and its 222 locomotives were on the railways in the world and it had got orders from other countries also. This was the position as on that day.

SHRI S. JAIPAL REDDY: Would you yield? Since you are speaking for the Government, I don't mind...

SHRI H. HANUMANTHAPPA: I am from the Government party.

SHRI S. JAIPAL REDDY: Before the financial bids are filed, the technical evaluation takes place. Unless the bidders are technically qualified, they cannot file financial bids? Isn't it a fact that BHEL along with Hitachi Sumitomo was technically qualified to file a financial bid?

SHRI H. HANUMANTHAPPA: That is a question which the Minister will answer, because I am not competent to answer whether it was qualified or not.

SHRI S. JAIPAL REDDY: I am also not.

SHRI H. HANUMANTHAPPA: He has not disputed the facts that I have said already. Whether it is technically qualified or not, it is for the Minister to say.

SHRI S. JAIPAL REDDY: But that is the factual point.

SHRI H. HANUMANTHAPPA: I have told you the factual point.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): I request the hon. Member to hear him first. Don't listen to him.

SHRI H. HANUMANTHAPPA: As on that day the BHEL did not have the experience. It had not produced any locomotive. On the other hand the ABB had produced so many locatives and its so many locomotives were on the rails.

This is the fact. On technical competency other people will say.

SHRI RAM AWADHESH SINGH: Why can't you form a national consortium of different public sector units and get the things done?

SHRI H. HANUMANTHAPPA: Actually the whole argument is BHEL's offer has been rejected. Nowhere its offer has been rejected.

SHRI S. JAIPAL REDDY: That is the point.

SHRI H. HANUMANTHAPPA: Nowhere its offer has been rejected. Nowhere its qualified authority has been rejected. On the other hand, BHEL has failed to establish its bona fides by producing 20 per cent value added by producing the technology. This is all what you say. They have not cared even to produce, to behave as a genuine producer, competitor or supplier. Here is the problem. During this tender, even though the Tender Committee told BHEL, "Baba, you give the details, what are the parts...."

SHRI S. JAIPAL REDDY: This is the Tender Committee report.

SHRI H. HANUMANTHAPPA: I know. There is a note in the tender form itself. You yourself said that prime preference it is claiming. They should produce 25 per cent. You also said about it.

SHRI S. JAIPAL REDDY: That is the rule.

SHRI H. HANUMANTHAPPA: That is what I am talking. This is the rule. Knowing this rule fully well, BHEL have failed to satisfy either the Tender Committee or Boveri that I am prepared to produce these items. In spite of asking them repeatedly, they could not produce it. What does it mean? As an explanation it has said that the total value of the project minus imported componets, the difference is the value added. That is the explanation given by the BHEL. This portion has been referred to ADB whether this interpretation is correct or not, not only by the Railways, by BHEL itself and Sumitomo also. ADB has replied to both Sumitomo as well as BHEL that your interpretation is wrong and the Railway's interpretation is correct, The total cost minus the import cost does not mean the Indianisation. You have to identify the items that you are manufacturing and that should come to 20 per cent of the total project. Instead of satisfying the buyer on this account, till the last date, BHEL has not come up with this, in spite of repeated reminders. On the other hand, it has gone to the ADB asking for clarifications and started using pressure here and there, in the Finance Ministry and at this Secretary and at that Secretary, you know. You said that the Committee of Secretaries also on this account said, yes, heavy industry, BHEL should be considered. But BHEL has to prove itself. "I will produce 20 per cent of the products. These are the items. This bolt, this nut, this machine I will do it." That they have to satisfy. In the absence of that, in the absence of that satisfaction, BHEL offer has not been considered and the order is passed on to the next person. Of course, after taking into account necessary procedures and the opinion of the Committee of Secretaries.

6.00 P.M.

One or two items, I will touch after this. Mr. Jaipal Reddy has mentioned about the currency exchange rates. It was made known in the tender itself that the concurrence of the ADB that the values or the currency exchange rates will be considered on two counts. One is the date of opening the tender and the other, the date of finalisation. It was made known to both the parties. The finalisation may take time. But with the knowledge of both the parties, this calculation has been done on the date of opening the tender Mr. Jaipal Reddy quoted the note of the Finance Secretary Mr. Singh or Mr. Sudhir Kumar. He has lost sight of this tender condition that the value will be calculated either on the date of the opening of the tender or on the date of the finalisation, with the knowledge of both the parties and the ADB. The objection that if it has been taken up on this date, the amount would have been less by Rs. 50 crores, does not hold water because it was incorporated in the conditions themselves. Both the parties were treated at par on the date of opening the tender.

SHRI S. JAIPAL REDDY: After devaluation?

SHRI H. HANUMANTHAPPA: That will apply for both. On that date, the tender condition itself stipulated that this price comparison would be made on that basis. It was agreed to by both the parties.

One more thing that Mr. Reddy has referred to which was also quoted by the 'Indian Express', is about the customs duty. There also, the ADB has said that these coustoms duty, excise duty and sale-tax will change hands from one to another and therefore, they need not have any bearing while comparing prices. This has not been taken into consideration.

There are one or two more points that Mr. Jaipal Reddy has raised. One is this Co Co, Bo Bo thing. He has said that the Co Co, Bo Bo design is not in vogue, it is in practice nowhere; it is utilised nowhere. For his knowledge, I would like to say this. Even the locomotives manufactured in CLW are manufactured in Co Co, Bo Bo design. India has the knowledge; India has produced it; India has manufactured it; India has tried it.

SHRI S. JAIPAL REDDY: I am talking about the 6000 HP AC Three Phase.

SHRI H. HANUMANTHAPPA: Actually, the 6000 Horse-Power engine is different and the bogies are different. Bogies are the bottom portion. The horse-power of the engine does not have any effect on the bogies.

SHRI S. JAIPAL REDDY: This was what noted by the Tender Committee. This is once again noted by Mr. Sudir Kumar in his note.

SHRI H. HANUMANTHAPPA: I certainly agree.

SHRI S. JAIPAL REDDY : I am referring to the Tender Committee's report. I do not know.

SHRI H. HANUMANTHAPPA: You are not a technician. I am also not a technician.

SHRI S. JAIPAL REDDY: We are finding it from the Tender Committee report.

SHRI H. HANUMANTHAPPA: At least, to some extent, I am guided by a technician. You are guided by a non-technician. That is the whole problem. When this Co Co, Bo Bo thing was published in the 'Indian Express', at least I had an opportunity to discuss it with a technician. But you depend upon Mr. Sudir Kumar who does not know this Co Co, Bo Bo. That is the problem.

SHRI S. JAIPAL REDDY: Mr. Vice-Chairman, Sir, I do not think that any officer serving in the Department of Economic Affairs should be referred to in such derogatory terms. He did his duty excellently through a note which is on record.

SHRI H. HANUMANTHAPPA: I am sorry. The Leader of the Opposition has raised a very valid point. I certainly agree with him. I have not passed any derogatory remarks about any officer. I have got the highest respect for the officers. (*Interruptions*). I do not want to go into what all he spoke. But there are certain demarcations of power in each Ministry, in each Department, and there are people qualified for the Department or the Compartment. You know it very well.

SHRI S. JAIPAL REDDY: What about the Chairman of the Railway Board?

SHRI H. HANUMANTHAPPA: I will come to that. I have already told you about the Chairman, Railway Board. Anyway, I will come to that. I think, I am meeting all your points to the extent possible. मैं यह बताता हूं कि इस कुमार और कुम्हार दोनों का एक ही काम होता है पीटने का। अगर कुम्हार की पीट मटके पर पड़े तो क्या होता है? यही बात सेक्रेट्रियों की है। You are in the Finance Ministry; you are not in the Technical Ministry. My understanding is that a man in the Finance Department has got certain powers, certain duties and you cannot encroach upon the technical field. (*Interruptions*)

SHRI S. JAIPAL REDDY: It doesn't give me pleasure to interrupt you. (*Interrruptions*). If that right of reply is given, to me I will not rise again. The Tender Committee consists of technical experts and financial experts. The note of Mr. Sudhir Kumar was entirely based on the note of the Tender Committee report. Mr. Sudhir Kumar has not conjured up something on his own.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Mr. Hanumanthappa, I will request you to conclude because four or five Members of your party have yet to speak. I request you to conclude. Otherwise, they will not get time.

SHRI H. HANUMANTHAPA: I am concluding, Sir. I will request my other friends to spare some of their time for me. I am answering certain points raised by the Leader of the Opposition. Even this Co-Co and Bo-Bo thing was mentioned as Technical Committee's opinion. That is why I interrupted. Otherwise, I would not have interrupted. He mentioned about somebody's note and there I interrupted. Even there, it is not based on that note. But I want to say that Co-Co, Bo-Bo technology is known to India. We are manufacturing it. The bogies have been produced and they are used in India.

One more point the Leader of the Opposition has raised. He said that the contracts have been bifurcated into three agreements. The three agreements are, supply of locomotives, transfer of technology and transfer of services. The three agreements have been separately made with the knowledge of the ADB and the Finance Ministry. This is only for tax purposes that the supplies, transfer of technology and services have been bifurcated and each one is interlinked with the other three agreements.

SHRI S. JAIPAL REDDY: It was objected to by the Finance Ministry. (*Interruptions*)

SHRI SANTOSH BAGRODIA: Sir, he cannot interrupt on every sentence. If he wants. He can point out the same at the end. (*Interruptions*)

SHRI S. JAIPAL REDDY: The subject is so technical, so comprehensive that it needs to be looked into by a House Committee or else I may be given the right to reply. Since I initiated the discussion, I may be given the right to reply. I am prepared to reply.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): I will request the Leader of the Opposition not to interrupt him. Also, I will request the hon. Member, Shri Hanumanthappa Ji, to conclude. (*Interruption*)

SHRI SANTOSH BAGRODIA: If you want to give him a chance for clarification at the end again, I don't mind it. But there should be no interruptions.

SHRI S. JAIPAL REDDY: Let me be given a chance.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No interruptions.

SHRI H. HANUMANTHAPPA: Finally, I would like to ask a few questions from the Railway Minister. The first question whether the file is till in the Railway Ministry or in the office of the *Indian Express* or in the office of Mr. Jaipal Reddy, that I answered. *(Interruptions)*

SHRI S. JAIPAL REDDY: *The Statesman.*

SHRI H. HANUMANTHAPPA: Let me not isolate the *Indian Express.*

SHRI S. JAIPAL REDDY: You isolate yourself.

SHRI H. HANUMANTHAPPA: I distance myself from you, not isolating. I would like to know as to what action has been taken by the Minister against those persons who have indulged in this or who are responsible for this. If there are differences between themselves, between their departments, between their higher-ups about their promotion, transfer or retirement, why should these things come to Parliament? *(Interruptions)* I am asking the Minister if there are any such things... I am asking the Minister.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): He is asking the Minister.

THE MINISTER OF RAILWAYS (SHRI C.K. JAFFER SHARIEF): Sir, I am sorry I have to reply only at the end. Now, to reduce the time I intervene. This is basically a fight between two business houses who want to sell thier goods. There is no *jagada* between the Ministries. Whatever information they have they can give. Whatever has to be represented from the Government's point of view and from the Ministry's point of

view, I will do at the end of the discussion.

SHRI V. GOPALSAMY: Do you equate BHEL with multinationals?

SHRI C.K. JAFFER SHARIEF: I will tell everything at the end.

SHRI V. GOPALSAMY: Just now the Minister said that it was a fight between two business houses.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): You will also get time, Mr. Gopalsamy. Please take your seat. Hanumanthappaji, please conclude.

SHRI H. HANUMANTHAPPA: I am concluding, Sir. Yesterday, the hon. Prime Minister said to a categorical question from the opposition, "no house is wielding influence on me and on my Government".

SHRI DIPEN GHOSH: The Central Government house.

SHRI S. JAIPAL REDDY: The BHEL is an orphan.

SHRI H. HANUMANTHAPPA: Mr. Dipen Ghosh, you know which house is acting behind this, Why do you force me?

SHRI YASHWANT SINHA: We want to know the truth.

SHRI H. HANUMANTHAPPA: Unfortunately, the group known to you does not want to speak.

SHRI YASHWANT SINHA: No, no. *(Interruptions)*...

SHRI H. HANUMANTHAPPA: I know your provocation. I am capable enough to contain your provocation. Don't worry. I know your provocation.

SHRI G.Y. KRISHNAN (Karnataka): While referring to the other house they are forgetting this house.

SHRI H. HANUMANTHAPPA: Sir, actually this is a story about some business houses which want to influence, which want to get their work done. Unfortunately, the Government bowed out and it is a spill-over problem which has given an opportunity because the pressure started only when that party was on the ruling side and that pressure could not be pursued through. In between power changed hands.

SHRI S. JAIPAL REDDY: Mr. Vice-Chairman, since he is making an allegation ...*(Interruptions)*... He should hear me. *(Interruptions)*...

SHRI SANTOSH BAGRODIA: Mr. Vice-Chairman, are you allowing this interruption?

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No, no.

SHRI H. HANUMANTHAPPA: My first question is whether the Planning Commission has gone into these projects, these technical matters. The second question is whether your projects were in the past referred to the PIB. My third question is whether these projects were being taken up before the Cabinet Committee on Economic Affairs in the past. The Railways having an independent Budget this august House has given some immunities to the Railways. But for the first time there is an intervention and the hon. Opposition Leader has quoted notings from the Planning Commission, from the Finance Ministry and even commented upon them. This happened for the first time. There seems to be some hand intervening into these things, some interested hands. That is why I am talking that some house is wielding influence on either this side or that side.

SHRI S. JAIPAL REDDY: The Finance Ministry.

SHRI H. HANUMANTHAPPA: I am talking of this side or that side. You may be under influence or we may be on alert. *(Interruptions)*... I am at the Centre. Anyway, that has no influence on me. With these categorical questions I conclude my speech.

SHRI YASHWANT SINHA: I have just a point because Mr. Hanumanthappa concluded on a note which raised a very serious doubt about the integrity of the Members of this House. He is saying we are under the influence of a business house. Now, it does not detract from the seriousness of it when he says that that side may also be under that influence and this side may also be under that influence. I am sorry, I, as a Member of this House, must repudiate completely with all the vehemence at my command this particular allegation that he is making here.

SHRI ASHIS SEN (West Bengal): Mr. Vice-Chairman, a few months back, a

report was published in the newspapers about the comments of the Comptroller and Auditor General of India on the working of the Ministry of Railways. It is there in the report in how many ways there has been wasteful expenditure, in how many ways the Ministry has done something which is not according to the rules. Because of the non-implementation of certain decisions, to various extents, cost escalation is there. I am not going into all the details from the published papers. I am not talking of any file of the Ministry. But what I find is, a new thing has come up. Yesterday there was a turmoil, rather a new wave, on an issue which has rocked the entire country and both the Houses of Parliament about something happending in respect of India's Defence Ministry's deal with some firm in Sweden. Today we are faced with an issue of a similar type regarding the Ministry of Railways' purchase of instruments, material and locomotives for Indian Railways from a firm which has got its base in Switzerland. Yesterday and earlier also there were discussions about the financial links between Sweden and India. The matter remained inconclusive. An assurance was given by the Prime Minister. I need not touch that matter now. What comes before us presently is a project of the Railways for which they are going in for a loan from the ADB to the tune of 190 million dollars which will come to around Rs. 550 crores.

It may be a little more according to the current rates. It is a deal where an amount to the extent of Rs. 550 crores is involved. How we have to deal with it? Mr. Jaipal Reddy has done it in a great detail. He has given minute details of it and exposed the entire thing. We can get no justification from Mr. Hanumanthappa's speech. He tried to say that there were intervening Governments and they must have had a hand in it. I don't think this is correct to say so because the whole thing started some time in 1987 and we are in 1992. If my information is correct, what relevance the two intervening Governments have unless you want to protect yourselves by saying that the thief is there? Otherwise there is no relevance as I could find in the arguments referring to some other earlier Governments. Between 1987 and 1992 much water has flowed. There have been documents, there have been notings, there have been tenders and there has been a Tender Committee. There was the team of experts in the matter of selecting materials to be purchased for the Railways. Also there have been certain experts in the Finance Ministry to see how far the deal financially is good, over and above the technical entities. It was a joint venture. Tenders were there. A Committee of Secretaries was there. Altogether if you look at it, there is no use trying to bifurcate the matter into technological side technicalities and financial aspects. It is the country, it is the Government of our country that is concerned with it. Why are you trying to distinguish between the two by saying that somebody in the Finance Ministry put up a certain note and that must have been motivated against the Railways? I can say in the same manner that something has happend in the Railways and they are trying to attack the Finance Ministry in a motivated way. I am surprised to find that Mr. Hanumanthappa should try to draw a line of distinction between the Finance Ministry and the Railway Ministry and say that somebody was provoking from there. To me as a Member of this House and as an ordinary citizen of this country, I feel both are important. That is why I would like to know whether something wrong was done and if it was done then it should be unearthed and the parties concerned should be penalised. I fully agree with what Mr. Jaipal Reddy said. When so much has been said, so much has been talked about it in the newspapers and not the *Indian Express* alone—I have here with me newspaper cuttings from five different papers—there must be something wrong. Why are you afraid? Why are you not accepting the proposal put forth by Mr. Jaipal Reddy? I fully endorse it. Let there be a committee consisting of Members from both the Houses or this House alone to go into the details. This would help us in finding out what is correct and what is not correct. I will not go into further details. Now, coming to what I was saying, Dollars 119 million, the first project funded by the Asian Development Bank and on the basis of

[Shri Ashis Sen]:

this the tenders were opened, now, which were the parties that were available? Now, if the information that I have with me is correct, I am told there were three offers; one from BHEL, another from A.B.B.—Asia Brown Boveri and the third from Sumitomo Corporation of Japan. The Railway Minister should be able to tell us if there way any other party. What was the actual position?

I am not going to discuss the documents that Mr. Hanumanthappa talked about. He has not yet placed them on the Table of the House. I would like to know whether there was any condition that all the components that would be required should be imported or certain domestic components would also be considered. Was there any experiment conducted to find out whether the components that were to be supplied by these firms were of the required quality? Now, we have in our country the Chitaranjan Locomotive Works. I have been told that the Chitaranjan Locomotive Factory is able to produce 5000 horse-power electric locomotives. Here we need 6000 horse-power electric locomotives. When we can produce 5000 horse-power locomotives, can we not produce 6000 horse-power locomotive? Instead of asking for a global tender we could have asked them if they could produce 6000 horse-power locomotive. I would have done that because it is being manufactured by our own country and by our own technicians. I would also like to know if they had agreed to provide certain proto-types to the Railway Minister before the final decision could be taken. As far as information available with me is concerned, the Sumitomo Corporation of Japan wanted to have all the money for themselves and the whole thing was to be imported into the country....

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Please conclude...

SHRI ASHIS SEN: Sir, I was not told that I was being given minus three minutes...

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): You may continue, but this is the first warning. You have already taken 9 minutes...

SHRI ASHIS SEN: I have been told that this A.B.B. of Switzerland has not given any proto-types because they have not produced it so far. And their product has not been tested in any part of the world. That is what the report is of some of the committees. Whether it is the Tender Committee or it is the Finance Committee or whatever, I am not in a position to distinguish between them. But those who were dealing with it say that this is a company which has not produced anything so far, which has not supplied anywhere and its products, if any, have not been tested anywhere so far as the technicalities are concerned. BHEL is another concern. BHEL is my own concern. BHEL is a concern of my own country, whether there is a 20% escalation in the cost of local products or whether there is 15% adjustment here and there is secondary. But it is my own public sector undertaking which is sickening because of non-availability of orders. Should that be discarded? We should try to find out whether it has the capability, whether it is fulfilling the conditions, not in terms of money alone, but in the matter of technology advance also and whether we should go to it first or not. That is one important point that should have been decided. The Tender Committee was there. The Railway Board was there. The Member (Electrical) was there. All authorities in the Railways at one stage, a few months before the decision was taken, decided that BHEL was a bidder with first quality. But suddenly what happened that overnight they somersaulted in their decision and said BHEL was not in a position to comply with the requirements and they were not in a position to offer that contract to BHEL when, in fact, a few months earlier they had been arguing in favour of BHEL? Later on they said the Tender Committee discarded BHEL since it was in the nature of Government-decision-making process and the assessment of the superior authority was to prevail. Who is this authority? Is it the Tender Committee? Is it the Railway Minister? Is it the Railway Board? Everyone in the Railways wanted it to be given to BHEL. But then when it went to the Railway Minister why was there a change within a short period of time?

The question that comes before me is whether the whole thing has gone in a very straightforward manner or not. Even on the question of cost, with the devaluation of the rupee now even if the BHEL product here involves an additional cost escalation, it will still be cheaper compared to importing the locomotives from abroad. Is it the reality or not? Something that heppened two years back in the tenders should be reviewed as a result of the devaluation of the rupee and there might be some cost escalation. But still the money will remain within the country; a large portion of the money will remain within the country and ultimately the outflow of foreign exchange will be reduced to that extent. Otherwise, it will go to ABB and the foreign exchange outflow will be much more, much more will go out. Therefore, I want to say that it is improper to do that and I would request the Railway Minister to have a fresh look into it and come back with the position and tell us whether the whole thing can be reversed or not. *(time-bell rings).*

Since you are ringing the bell Vice-Chairman, Sir, and there is not enough time, I would only say I agree with what the newspapers have said. I don't know whether it is the *Finacial Express* or what. After all these debates and discussions, whether Shri Jaffer Sharief is above board or whether he is in complicity in deciding that the award should be given to ABB, he should make his position clean by letting the entire House know what the correct position is. I would like to ask the Railway Minister, let the report of the Tender Committee be placed in the House; let the note of the Member (Electrical) or the Railway Board of August 12 be placed in the House. This is not my view. This is the public opinion created by the newspapers and on that basis I am saying this. Let these documents be placed before the House. Let the note of the Financial Commissioner for Railways, Mr. Radhakrishnan, dated 15th August 1991 recommending BHEL for the contract be placed on the Table of the House. Then I say, let the note of the Chairman of the Railway Board, Mr. Kitson, of August 21, 1991 with his subsequent note arguing against the locomotives from abroad be placed before the House. Let the note of the Department of Economic Affairs dated February 7, 1992 be placed before the House. The minutes of the Inter-Ministerial meeting chaired by the Secretary, Mr. M.S. Ahluwalia, should be placed on the Table of the House. Let the Finance Ministry's approval of the deal dated 14.3.92 also be placed on the Table. Let there be an inquiry committee, a committee of this House, and let that committee go into the details of all these documents which I have mentioned. If the slate is clean, there should not be any hesitation on the part of the Railway Ministry to place them on the Table. We can go through those documents and we can appoint a committee which could find out the truth. I do not want to talk about what happened on this or that date. I want only the truth to be found out as the Prime Minister has told this House yesterday. Let the truth come out.

With these words, Sir, I conclude and thank you for giving me a few more minutes.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): The next speaker is Mr. Santosh Bagrodia. But, since Mr. Gopalsamy has to catch his flight, he wants to speak first and it seems Mr. Bagrodia has agreed to it. Yes, Mr. Gopalsamy. Your time is six minutes.

SHRI V. GOPALSAMY: Thank you, Mr. Vice-Chairman, Sir. I will complete within five minutes.

Sir, at the outset, I would like to say that the contract should be cancelled and there should be a commmittee, either a JPC or a committee of the Rajya Sabha. The Asian Development Bank has been thoroughly misled and, after signing this contract and getting the loan, the Minister now says that the ADB says this and says that. Would the Minister clarify the position? My friends also have raised this point. What for the Financial Commissioner, Mr. Radhakrishnan, sent a note on the 15th August 1991, recommending that there should be negotiations with the BHEL? This is the recommendation given by the Financial Commissioner, Mr. Radhakrishnan. Then he does a somer sault in the month of

[Shri V. Gopalsamy]:

October. He says that the earlier recommendation should be repudiated and, in the month of December, he declares, "BHEL cannot be treated as Category I bidder." But the Department of Economic Affairs has shown that by using the prevalent exchange rate on the last date of the validity of the tender, 24th December 1991, the BHEL bid was cheaper than the ABB one by about Rs. 50 crores! So, what could they do? The recommendations of the Department of Economic Affairs were thrown to the winds. Even the Chairman of the Railway Board was not involved. They talk of the independence of the Railway Board. My friend just now referred to the 16-page note of the Department of Economic Affairs. Did not that note mention the infirmities in the ABB deal and recommend its revocation?

Sir, some friends were telling that both the sides are fighting for the benefit of some business house. The honourable Minister has just now stated on the floor of this House and I am very much pained because of this. I take pride in fighting for the cause of the BHEL. What is wrong in that? It is a giant public sector undertaking where 70,000 employees are working in the ten units throughout India and more than a lakh of workers in the ancillary units of the BHEL. And, Sir, our products are the best and the cheapest in the world. We have been exporting to some other countries also. But right now the BHEL is starving for want of orders! At this juncture, you have opened the floodgates to a multinational, a Swedish Company...

SHRI S. JAIPAL REDDY: Swiss Company.

SHRI V. GOPALSAMY: I always get confused between "Swedish" and "Swiss"!... *(Interruptions)*...

SHRI V. NARAYANASAMY: It is because you have got accounts in both the countries!... *(Interruptions)*...

SHRI V. GOPALSAMY: I will be the happiest man if I have an account there. ...*(Interruptions)*... Sir, on the other day my colleague, Mr. Maran, put a question about the indigenous newsprint—why are you importing it? The Industries Minister said that the quality is high. But when it comes regarding BHEL, you have raised some doubts. They have raised doubts about the domestic production. Sir, what about the meeting of the Committee of Secretaries, which was referred to by Mr. Jaipal Reddy? Is it not a fact that in the Committee of Secretaries it was mentioned about the infirmities in the ABB bid. They should have been taken into account for the purpose of evaluation of ABB bid. These appear to have been overlooked by the Ministry of Railways, and even not communicated to ABB. Therefore, Sir, the whole deal has raised very serious doubts about the bona fides of the Railway Ministry. On the one side you are killing a giant public sector undertaking, Bharat Heavy Electricals Ltd. On the other hand, you are inviting multi-national companies. I want ot be precise.

I do not want to take much time. I thank Mr. Bagrodia for giving me this opportunity...

THE VICE-CHAIRMAN (SHRI SHANKER DAYAL SINGH): He has only given you a chance, not the time.

AN HON. MEMBER: You must be thankful to the Vice-Chairman.

SHRI V. GOPALSAMY: Yes, yes. He has been so gracious and kind enough. *(Interruptions)*

There should be a JPC review, and the Government should not pursue the contract.

SHRI SANTOSH BAGRODIA: Mr. Vice-Chairman, Sir, we are talking on a subject which relates to business. And we politicians are used; to express our experetise on every subject, and we very soon excited. Our media has also become less careful. They start quoting, it appears, nowadays about anything happening in our country. The Opposition will start talking hoarse that a Minister is hiding something or they raise doubts about his credibility. I wish we could go into more details. Out of the three speakers on the other side, with all respect; to them, at least two of them had no information whatsoever absolutely nothing, irrelevant. And the first speaker, Sir, started with this statement: it is most nauseating. The hon. Mr. Jaipal Reddy—I have great regard for him—after becoming the

Opposition leader started putting ideals or adjectives even before explaining...

SHRI YASHWANT SINHA: Mr. Bagrodia, you have not heard about 'Jaipalese'? It is a brand of English which he uses and has been using for a long time. (*Interruptions*)

SHRI SANTOSH BAGRODIA: Sir, after Shri Rajiv Gandhi came to power in 1984, it was decided—it was a general decision—that for all the departments we have go to the 21st century. We have to improve our communications, we have to improve our railways and we have to improve our roads; everything has to be improved. With that policy in view, what was decided? With the advent of GTO 3-phase technology between 1985 and 1987 remarkable change in locomotive technology occurred. With the GTO thyristor controlled 3-phase synchronous motors having proved successful in trial in western countries, more and more railway systems started use of this technology.

More and more Railway systems started using this technology. It emerged that with this technology, significant improvements were possible—I would like to underline this for the benefit of our Opposition leaders—to manufacture locomotives with lesser weight, higher efficiency, improved power factor, more adhesive and more energy efficient system. This is what was expected. This is what was desired. This was decided and this was approved by the Planning Commission way back in April, 1986. And also, when the report was submitted in June, 1987, under the chairmanship of Shri Menzes, this particular engine was approved for the improvement in the Railway system. What do you do with this? This requires very large funds. The Government went to the ADB. We accepted a loan from the ADB. The ADB gave us a loan with some conditions. Those conditions were not meant for India only. Those ADB conditions were meant for any other country in the world. This is how the finance was expected to be used purposefully. After 1987, what has happened? Mr. Reddy has said that 4,000 dollars were only commitment charges per day from 1987. For four years, we have been paying these 4,000 dollars per day. For whatever reasons, it did not materialise. The orders were not give on the first tender. I am not going into those details. In the second tender...

SHRI YASHWANT SINHA: We won the bid. We are guilty.

SHRI SANTOSH BAGRODIA: I could not get it.

Now, the second tender was also given. The second tender was rejected when the National Front Government was in power. It was way back in December, 1990, that the commercial bids of all the tenders were opened. This was opened in December, 1990. I am not going into it again. What happened during the national Front Government?

SHRI YASHWANT SINHA: They were not in power then. In December, 1990, they were out.

SHRI SANTOSH BAGRODIA: All right, you were in power. I stand corrected. In December, 1990, it was opened when Mr. Yashwant Sinha was the Finance Minister. This was the time when it was opened. Even in December, 1990, nothing happened. The orders were not clinched. What happened? The tender was again recalled for the third time. I am not again going into the merits and the demerits as to why it was recalled or not by the Railway Ministry. But the fact remains that all this recalling was helping basically the BHEL. It was to help them. Mr. Sen said, our own country and our own company. I am as much concerned about our own country as anybody else. Any Indian, we feel is as much concerned as Mr. Sen is concerned.

SHRI YASHWANT SINHA: We plead guilty to the charge of trying to help the BHEL.

SHRI SANTOSH BAGRODIA: So, he has pleaded guilty, and I don't want to hang him on this.

AN HON. MEMBER: Why?

SHRI SANTOSH BAGRODIA: He has already pleaded guilty. So, I do not want to talk about that.

What has happened then? Mr. Sinha has been kind enough to accept the guilt. After that, Sir, when the third bid was opened—many questions have been

[Shri Santosh Bagrodia]:

raised by Mr. Reddy—what happened? What do you want to buy? You want to buy the best. And you want to buy at the cheapest rate. This is a matter of fact. Anybody, in any business, would like to buy the best quality in the world. That is why we went to buy something which is the state of the art object. We do not want to buy something which is 60s technology or 70s technology. This was the purpose that we thought—when I say 'we', I am talking on behalf of the Ministry or the officers or the Ministers—of buying the best. So, they decided that they wanted to buy the best. Now, the BHEL has also quoted. Now, we are only differentiating between ABB and BHEL because everybody is talking why do you give the order to ABB and not to BHEL. I am not going into other quotations. I do not even know whether offers have been received or not because the files are not with me. And I do not have any process by which clandestinely or officially I can reach to these files.

I am only trying to reply to these things based on what has been reported, the various informations which I have been able to gather and also based on some latest statements by these two companies.

ABB has put up some conditions. Before coming to the condition of pricing, I take up quality first. The quality of ABB is far superior. This has been a proven technology. Mr. Sinha has said that they have not even started production and not a single engine has been manufactured and that it is nowhere being used. This is applicable in the case of BHEL also which along with Sumitomo till then had not sold a single engine in the market anywhere in the world.

SHRI YASHWANT SINHA: Along with Hitachi. Sumitomo was different.

SHRI VISHVJIT P. SINGH: Mr. Yashwant Sinha is wrong. It is Sumitomo through Hitachi. it is Sumitomo technology; remember the name; don't forget.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Your name is also here to speak; don't worry.

SHRI SANTOSH BAGRODIA: I want to explain to Mr. Yashwant Sinha for his information. I appreciate; I don't expect him to know everything, and there is nothing wrong about it. He wants me to explain the situation of Hitachi. Hitachi is the manufacturer; Sumitomo is their agent. This is what you should understand. And they were having arrangement with Hitachi through Sumitomo. Let me tell you. All these tender papers were also mentioning Sumitomo.

Now I come back to ABB. German Railways have 60 similar engines working for quite some time. The Swiss Railways have 12 engines. Spain have got 75 engines. So, this is a proven technology which was by ABB. BHEL had no technology. Sumitomo engines have never been used, and you would not like our country to suffer or become guinea-pigs. At our cost they make trials in our country. That is why I think this was the right decision to think of ABB and not BHEL, because the BHEL did not have the technology. Somebody—I think it was Mr. Sen—asked: 'Why not from Chitaranjan Locomotives?' Chitaranjan Locomotives will be the best source if we can buy from them. But this technology which ABB is going to give to us is going to Chitaranjan Locomotives finally. They will supply only about ten; ultimately it has come down to seven fully-assembled. After that I believe seven will come in the process of semi-knocked down condition. These are my figures according to my own information. Of course, the Minister will give more correct information. My information is that seven will come in fully assembled condition, and in the process, the technology will be transferred to Chitaranjan Locomotives so that they can manufacture similar engines for our use in the country. So, I believe, if you appreciate this situation, you will not be agitated on this point.

Now I come to pricing. The question of pricing is a little vital question; there is no doubt about it. If we consider the price, one thing must be understood that ABB financing rules are there. At this stage I would like to state and would like specially Mr. Sinha to understand that when a small scale industry buys any equipment, they go to the National Small Scale Industries Corporation and even the National Small Industries Corporation

not only get quotations, they even approve the machines and they also place the orders. Even in the case of large units if you see, you will find that if you go to any financial institution like the IFCI or the IDBI or the ICICI, they will have full control. They will put their conditions that you have to buy a particular equipment and you have to buy it with their conditions, and even the conditions of the suppliers are approved by the financial institutions.

So, ADB is also like a financial institution. If you go to the World Bank, I understand, they take the quotations, they decide every thing and then it is transferred to the country concerned. It is only in the case of ADB that the buyer himself decides the tender and only gets the approval of ADB or, whether the ADB conditions are met or not, that is the responsibility of the buyer. In this case there was a condition. The condition was very clear, that BHEL...(*Time-bell rings*)...

उपसभाध्यक्ष (श्री शंकर दयाल सिंह): आपके दल के दो स्पीकर्स और हैं। इसलिए पहले कह रहा हूं कि समय पर आपका भाषण समाप्त हो जाये तो ठीक है। अभी हाउस को काफी बिजनैस करना है।

SHRI DIPEN GHOSH: Everybody is quoting from the same file. And even the reply of the Minister would come from the same file. The whole irony is this.

SHRI SANTOSH BAGRODIA: I am very happy that he has such sixth sense and an eighth eye to see that the files are the same. I am very happy because I cannot see what is in his file; I can only see my papers. ...(*Interruptions*)...

SHRI M.M. JACOB: He is very much used to that pattern.

SHRI SANTOSH BAGRODIA: Naturally, he will know more!

So, Sir, this is the condition. You see what has happened. Mr. Yashwant Sinha should know about it. I would like to inform this House about that. Even supposing that in every State there is a rule that 15 per cent of price preference is given if it is manufactured by the local industry and supplied to the State Government itself or any public sector unit in the State, similarly the 15 per cent price preference given to BHEL is no problem. I am sure they have considered this. But the problem is, ADB rules provide that 20 per cent of the value of the goods manufactured should be within the country. You can't import the whole thing and say, "Look, I must get 15 per cent higher" because, don't think that foreign exchange outgo is not there in the case of BHEL. The foreign exchange outgo is the same. It is a wrong impression that they give, that there is no foreign exchange involved. Even in the tender, the foreign exchange outgo was the same. So, this point is not pretty well known, probably, to many of my friends over here, and that is why this confusion was created. With all these clarifications, I am sure, they would know.

Before going into the details of the prices, I want to say one more thing. In fact, our hon. Railway Minister has been very, very nationalist. If he would not have placed the order on the 18th March, he would have created a problem for the development of the Indian Railways. This is not being understood. People say that it has been done in great haste. But I will come to that point later.

On the point of prices, Sir, ABB's quoted c.i.f. price was Rs. 428.01 crores whereas BHEL price, on the same basis-F.O.R. destination price—was Rs. 471.92 crores. If you would consider the c.i.f. price after loading, on account of variation in payment terms on uniform basis for comparison, it will become Rs. 439.32 crores for ABB whereas for BHEL it is Rs. 486.44 crores. So, that is the difference. ABB's price is lower by Rs. 43 crores in the first case and Rs. 47 crores in the second case. Now when these prices are compared, obviously I would like to clarify that it is a universal practice, again, that excise duty, customs duty and all these things are not considered. I think Reddyji also, while continuously interrupting my friend, Hanumanthappaji, mentioned about devaluation of the rupee. He also asked what was the basis for taking a particular date. These are all regulations of the ADB. The ADB has said, you have to fix a date on which...(*Interruptions*)...

SHRI S. JAIPAL REDDY: I will not disturb; I am tired.

SHRI SANTOSH BAGRODIA: I am very happy, Sir, and I am very grateful to

[Shri Santosh Bagrodia]:

you that you will not disturb me. I am only pointing it out because you have raised this point. The fluctuation in foreign exchange will not come in the way. This is based on a particular date which was mentioned in the tender itself, that this is the date on which, whatever be the rate, based on State Bank of India or Reserve Bank of India, the same thing which is fluctuating, has to be decided. On the basis of that date it was applicable to both BHEL and ABB. On the basis of the date which was applicable to both the BHEL and the ADB because the BHEL was also importing. There was a lot of foreign exchange outgo. So, they were also considered on the same date. If you consider any other date, the same will be applicable to the BHEL also Don't think, because this is coming from the ABB which is a multinational, all the devaluation effect will be only on the ABB and that there will be no effect on the BHEL. That is not right. This point should be understood.

My friends have also referred to this Committee of Secretaries comprising of the Secretary (Expenditure), the Secretary (DEA), the Finance Commissioner (Railways) and the Secretary (Heavy Industry). It is the Department of Heavy Industry which controls the BHEL, and it is the Secretary (Heavy Industry) who himself recorded in this Committee that the BHEL is not suitable for supply of this engine.

SHRI YASHWANT SINHA: No, not correct.

SHRI SANTOSH BAGRODIA: I am just putting my statement. If it is wrong, he will say that. I just want the Hon. Minister...

SHRI YASHWANT SINHA: Mr. Vice-Chairman, Mr. Jaipal Reddy has already placed on the Table after his authentication the Report of the Secretaries Committee. Let me enlighten the Member by saying that according to this document which has been laid, what he is saying is not factually correct.

SHRI SANTOSH BAGRODIA: To begin with, to the best of my information, no document has been laid, and if any documents have been laid, I have not seen them. It is the Minister who knows, who has all the information. If I am wrong or right, it is for him to clarify it. Let him say I am wrong. I will stand corrected. But I cannot be stood corrected by authorities who do not have the authority to talk about that.

SHRI YASHWANT SINHA: You have to stand corrected by the document.

SHRI N.E. BALARAM: The point is that we have all all got doubts. We are not clear about anything.

SHRI SANTOSH BAGRODIA: That is right. Mr. Balaram has put it very clearly.

SHRI V. NARAYANASAMY: You will not be clear at any point of time.

SHRI DIPEN GHOSH: They are quoting from the same document according to their own convenience. The Minister will also be replying from the same document according to his convenience. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Kindly conclude.

SHRI SANTOSH BAGRODIA: I thought that I should let them keep quiet and then I should speak.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): They have all kept quiet.

SHRI SANTOSH BAGRODIA: Mr. Balaram has put it very clearly. I appreciate that everybody has doubts, and these doubts will be cleared only in two ways. One, after probably the hon. Minister clarifies everything.

At this stage, if it is technically possible, if it could be done like this, I would request the hon. Minister to put all the documents in the museum and let every MP go and see those papers and everybody else go and see those papers. I think no contract on earth can be cleaner than this particular contract which the Railway Ministry has handled. It is so clean a contract.

If he would not have taken a decision, what would have happened? Supposing he would not have decided on 18th March, you know what would have happened. The entire loan sanctined by the ADB would have been terminated, the entire loan. Not only this, but the second loan which was to be given after

this loan, would also have been cancelled. Would you like a situation like this for the country? The decision taken by the hon. Minister on this particular order, I don't think, should be questioned.

One more question has been raised by hon. Reddyji or may be somebody else, one of my friends here: Is it the authority of the seniors to change the report of the juniors? If they have to follow only what others, juniors, have said, then, we do not need seniors, in my opinion. There is no question of authority. it is a question of opinion. If somebody has said anything, anybody senior to him, either the Minister or the Prime Minister or the Secretary or the Deputy Secretary, I think, has got the right to take a decision on this, and he risks. He risked to take the decision in public interest, and then he is being questioned the way he is being questioned today.

I admire his *himmat*, his courage that he has taken this decision at the right time in the interest of the country.

I can go on clarifying these points. But, I will leave the Co-Co Bo-Bo matter to be settled by speakers on our side.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): They have got some time.

SHRI SANTOSH BAGRODIA: I am finishing.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): You are leaving only five minutes to him.

SHRI SANTOSH BAGRODIA: I had 70 minutes, Sir, when I started.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No, no. 7.00 P.M.

SHRI SANTOSH BAGRODIA: I have taken at the most 15 minutes.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No. You have taken, perhaps, 25 minutes or so.

SHRI SANTOSH BAGRODIA: 45 Minutes?

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): 25 minutes.

SHRI SANTOSH BAGRODIA: We had 70 minutes' time.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): That is right. But Mr. Hanumanthappa has already taken 26 minutes.

SHRI SANTOSH BAGRODIA: All right. I will not ask for more time. I will only finish with this statement that whatever has been discussed or referred to has been referred from tips and tips. There is no connection of one information with another. Once the Railway Minister clarifies all these points, I hope the hon. members on the other side will appreciate that decisions taken were taken after a proper decision, proper looking into all aspects and that we should stop questioning other decisions in this manner based on the media reports. If we continue to do so, we will harm the interest of the country. With these words I conclude.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Shri Anant Ram Jaiswal.

SHRI VISHVJIT P. SINGH: Before he starts, may I make a small request? I would request the Leader of the Opposition, because he has access to all the papers and he has already laid them on the Table of the House, as he has said, to let me have access to them, because I am the next speaker. This will help me to quote from them. Everybody is quoting. I am the only one who is feeling like a lost child in the woods. Everybody has got documents and I have nothing.

SHRI S. JAIPAL REDDY: I have only one other copy. I will give it to you provided you return it to me.

SHRI VISHVJIT P. SINGH: I will return it.

श्री अनन्त राम जायसवाल (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, मुझे प्रसन्नता है कि इस वक्त आप पीठासीन हैं। आपकी उदारता पर मुझे बड़ा विश्वास है कि बीच में टोका-टोकी नहीं होगी जिससे मैं अपनी बात कह सकूं।

मान्यवर, यह बहुत बदकिस्मती की बात है कि आज दूसरे दिन फिर एक घोटाले की चर्चा इस सभा में हो रही है। अभी कल ही हमने बोफोर्स कांड के सिलसिले में भारत के विदेश मंत्री श्री सोलंकी के आचरण को ले कर के यहां पर चर्चा की थी। उसका भूत अभी पूरी तरह से ठंडा नहीं हुआ क्योंकि उस में जो शक है वह अभी

[श्री अनन्त राम जायसवाल]

साफ नहीं हुए हैं। सरकार की तरफ से साफ करने की कोशिश नहीं की गई है। एक शक तो यह था कि वकील कौन है, किस का वकील था और यह डाकुमेंट किस के लिए दिये गये स्विटज़रलैंड के विदेश मंत्री को। यह मामला अभी ठंडा नहीं हुआ है और दूसरे रेल के घोटाले पर आज फिर हम बहस करने जा रहे हैं तीसरा एक और बड़ा घोटाला गेहूं की आयात-निर्यात को ले कर अपने हाथ फैलाए सरकार की गर्दन पकड़ने को तैयार खड़ा है। प्रधानमंत्री जी की जो उम्र है और उनकी जो सेहत की हालत है, उसको देखते हुए मुझे शक होता है कि वे अपने मिनिस्टर्ज़ के इतने घोटालों को सह भी पाएंगे या नहीं। मान्यवर, श्री जयपाल रेड्डी ने जो घोटाले का इतिहास बताया, उससे पता चलता है कि सरकार को मालगाड़ी और यात्री गाड़ी दोनों के लिए इंजिनों की जरूरत थी। यह जरूरत 1987 में महसूस की गई थी। तब से यह मामला लम्बित पड़ा रहा और 1992 में तय किया गया। यह अपने आप में सरकार के काम करने के ढंग पर एक दुखःद टिप्पणी है। इस बीच में इंजिन के दाम दुगुने हो गये। जिन्होंने निर्णय लेने में देर की, यह जिम्मेदारी उन के ऊपर आती है। लेकिन दुख है कि उनसे क्षति को वसूल करने का कोई तरीका नहीं है और अन्ततोगत्वा सरकारी खजाने पर ही इसका बोझ जाएगा।

दूसरी बात इस सिलसिले में मैं यह कहना चाहता हूं कि इसमें दो कन्टेसटेंट्स थे, एक भारत हैवी इलेक्ट्रिकल्स और दूसरा ए०बी०बी०। जहां तक दोनों तरह के इंजनों की मेरिट और डीमेरिट का सवाल था उसका फैसला तो टेक्निकल कमेटी कर चुकी थी। टेक्निकल इवैल्युएशन कमेटी में इस बात पर निर्णय ले लिया जा चुका था कि दोनों के इंजनों की मेरिट और डीमेरिट क्या है और इसके बाद ही बिड खोलने का सवाल आया। तो आज जो बहस की जा रही है कि ए०बी०बी० की इंजन टेक्नालाजी मोस्ट माडर्न है, सारे गोरे देशों में इंजन चल रहे हैं, हमारा ख्याल है कि इसका कोई रिलेवेंस इस मुद्दे से नहीं है। जहां तक इवैल्युएशन कमेटी का सवाल है वह सारे पहलुओं पर गौर करके इस नतीजे पर पहुंची कि भारत हैवी इलेक्ट्रिकल्स की बिड लोएस्ट है, उसी को रिकमेंड किया जाना चाहिए। किसी वजह से यह मामला पड़ा रहा।

दूसरी दफा बिड मांगी गयी क्योंकि पहली बिड का वक्त खत्म हो गया था। जब दूसरी दफा बिड मांगी गयी तो मान्यवार उसमें दुगने का फर्क था। टेंडर कमेटी ने इस पर राय दी कि दाम दुगने हो गये हैं, बहुत महंगे इंजन मिल रहे हैं इसलिए उसको कम करने की कोशिश के लिए उन्होंने सिफारिश की। अंत में उन्होंने सिफारिश ही कर दी कि इस पूरी बिड को रद्द कर दिया जाए। रद्द करने की सिफारिश के साथ ही उन्होंने कहा कि "भेल" के साथ बातचीत की जाए ताकि कीमतों में कमी हो सके। अगर मैं गलत हूं तो माननीय रेलवे मंत्री जी अपने जवाब में इन चीजों पर प्रकाश डालेंगे।

उसके बाद तीसरी दफा टेंडर मांगा गया। दामों में किसी तरह की कोई कमी नहीं आई। फिर टेंडर कमेटी का वही रिकमेंडेशन जो पुराना था वही हुआ। जब उन्होंने तीसरी दफा इस पर गौर किया तब भी उनकी राय थी कि ए०बी०बी० के ऊपर तरजीह मिलनी चाहिए "भेल" को। इसके कारण थे। नम्बर एक, "भेल" भारत सरकार का पब्लिक अंडरटेकिंग है। नम्बर दो, डोमेस्टिक इंडस्ट्री होने के नाते, जैसा कि अभी यहां कहा गया कि उसको 20 परसेंट रियायत थी दामों में। तीसरा, अगर उनसे सामान खरीदा जाता तो कस्टम वगैरह का बोझ परचेसर रेलवे पर नहीं पड़ता। ये तीन चीजें उनके हक में जाती थीं और इन सबको मिलाकर उन्होंने तय किया था कि भारत हैवी इलेक्ट्रिकल्स को ही तरजीह दी जानी चाहिए।

यह मामला जब गया सेक्रेट्रेरियट में और सेक्रेट्रीज की कमेटी जब इस पर विचार व बहस करती है तो उसमें भी भारत हैवी इलेक्ट्रिकल्स का पल्ला भारी रहता है और जो आब्जेक्शन टेंडर के बारे में था, जिसका जिक्र किया था हनुमनतप्पा साहब ने कि उसमें अलग अलग करके हर आइटमवाइज विवरण नहीं दिये गये थे, उसके बारे में हैवी इलेक्ट्रिकल्स इंडस्ट्री और उस पर जो नोट तैयार किया गया, दोनों में इसका जिक्र आया है कि ये पेटी, फ्राइवोलस आब्जेक्शंस थे। बिल्कुल तुच्छ आपत्तियां थीं, यह उसमें कहा गया था। अगर यह बात सही है तो माननीय मंत्री जी को कबूल करना चाहिए यहीं सदन में।

इसी के साथ जो ए०बी०बी० का टेंडर था उसमें भी खामी पायी गयी। उसके बारे में शायद जयपाल जी ने भी जिक्र किया था कि जो शर्त थी टेंडर की और जो डाइरेक्शन था ए०डी०बी० का दोनों में यह था कि कंट्रेक्ट के परफारमेंस के लिए जो वैल्यू है कंट्रेक्ट की उसमें 10 प्रतिशत के बराबर वारंटी गारंटी की और 10 प्रतिशत की ही बैंक गारंटी होनी चाहिए। जहां तक ए०बी०बी० का सवाल है, उसने इस शर्त को पूरा नहीं किया था और सैक्रेट्रीज़ की कमेटी की निश्चित राय थी कि यह ए०डी०बी० और टेंडर की शर्तें जो हैं, उनका गंभीर उल्लघंन हैं और इस बात को ध्यान में लाया जाना चाहिए और खाली ध्यान में लाया ही नहीं जाना चाहिए, बल्कि इसके आधार पर उनकी राय तो यह थी कि ए०बी०बी० के टेंडर पर तो विचार ही नहीं होना चाहिए था और कम से कम ए०डी०बी० को इसकी जानकारी देनी चाहिए थी।

एक सवाल उठता है कि क्या रेलवे मंत्रालय ने ए०डी०बी० को यह जानकारी दी, और नहीं दी तो क्यों नहीं दी? इसी के साथ जो आपकी टेंडर कमेटी की सिफारिशें थीं, क्या वह ए०डी०बी० की जानकारी में लाई

गई और अगर नहीं लाई गई, तो उनको दबाने की वजह क्या थी—यह सभा जानना चाहेगी और इसके लिए मैं आपसे मांग करता हूं।

तो, मान्यवर, जहां तक ए०डी०बी० का सवाल है और भारत हैवी इलैक्ट्रिकल्स को तो टेंडर देने के वक्त से सैक्रेटेरिएट में विचार के वक्त तक हर जगह भारत हैवी इलैक्ट्रिकल्स का ही पल्ला भार रहा है, ए०बी०बी० का नहीं। लेकिन रेलवे मंत्रालय पूरे जोर से यह लड़ाई करता रहा कि चाहे जो डिफैक्ट हो, ए०बी०बी० के टेंडर में चाहे जो गलती हो, चाहे जो डिसएडवांटेज हों, उनको नजरअंदाज कर दिया जाए और सारी ताकत तो रेलवे मंत्रालय को ही इस मामले में है, यह उनका शुरू से ही आखिर तक कंटेंशन रहा है। सारी जिम्मेदारी उन्होंने ली।

यह समझ में नहीं आता है कि एक विदेशी कम्पनी के बारे में ऐसा पक्षपात उन्होंने क्यों किया। उसका कारण यह सभा जानना चाहेगी और इस सभा के जरिए पूरा देश जानना चाहेगा कि भारत हैवी इलैक्ट्रिकल्स के बारे में यह खुला पक्षपात क्यों किया गया। **(समय की घंटी)** और किसी की नेक सलाह किसी स्टेज पर मानी नहीं गई है, चाहे वह टेंडर कमेटी रही हो, चाहे वह सैक्रेटेरिएट की कमेटी रही हो, चाहे वह इकनामिक एफेयर्ज़ का डिमार्टमेंट है, उसकी रही हो, चाहे उसके सैक्रेटरी की राय रही हो, किसी राय को कोई भी मान्यता प्रदान नहीं की रेलवे मंत्रालय ने और सारी मान्यता लेकर झूठ के सहारे जो गलतबयानी की है ए०डी०बी० के सामने रेलवे मंत्रालय ने—टेंडर का पूरा विवरण उनके सामने नहीं दिया गया, जो चीज भारत हैवी इलैक्ट्रिकल्स के हक में थी, उसको दबा लिया गया और उनको यह बताया गया कि सब से सस्ता, कम दाम का टेंडर ए०बी०बी० का है, जो वास्तविकता और सच्चाई से परे था।

एक तो यह इत्तलाह दी गई। दूसरे, जो खामियां उसमें थीं, वह भी उनकी जानकारी में नहीं आई जो ए०बी०बी० के टेंडर में थीं। यह दो ऐसी बड़ी चीजें हैं जो शक उत्पन्न करती हैं कि यह पक्षपात क्या लज्जत के साथ गुनाह है या बेलज्ज़त से गुनाह है। कोई भी यह मानने के लिए तैयार नहीं होगा कि यह गुनाह बेलज्जत है।

एक दफा मैं एक बड़े आदमी से बात कर रहा था और उनसे बात करते-करते मैंने कहा कि जितने भी विदेशी व्यापार के सौदे होते हैं, उन सब में दलाली चलती है, घूस चलती है। क्या इसको किसी तरह से खत्म किया जा सकता है। वह काफी जानकार आदमी हैं और उन्होंने कहा कि जायसवाल जी, ऐसा आज संभव नहीं है। **(समय की घंटी)**

तो मैंने कहा कि क्या यह नहीं हो सकता है कि जो दलाली या घूस विदेशी कंपनियां देती हैं सौदे में, तो उसकी सरकार खुद रियायत ले ले और उनसे सौदा कर लिया करे, ताकि यह घोटाला ही न हो। मगर मैं आपको कहता हूं कि आज स्थिति यह है कि जितने भी विदेशी सौदे होते हैं, उन हर सौदों के पीछे शक बराबर बना रहता है। यह आज हमारी स्थिति हो गई है।

दुनिया में अगर इस तरह की कोई बात कहीं हो जाए, चाहे जापान में, जर्मनी में या फ्रांस में तो उसके बड़े आदमी को कीमत देनी पड़ती है। प्रधान मंत्री को कीमत देनी पड़ती है। लेकिन यहां प्रधान मंत्री ने तो आसान तरीका अख्तियार कर लिया। जाफर शरीफ साहब से मैं इतना कहना चाहता हूं कि प्रधान मंत्री साहब का जब गला फंसने वाला होगा, उनकी सरकार के गले में जब फंदा आएगा तो वह उस मंत्री को ही सैक्रीफाइस कर देंगे, जैसे सोलंकी साहब का हुआ। इसलिए आप सचेत रहिए। यह मामूली काम नहीं हुआ है इसमें हर तरफ से पक्षपात की बू आती है और इसमें गला नप सकता है आपका, मालूम नहीं चिदम्बरम साहब जो कल बड़े जोर से बोल रहे थे उनकी कब नौबत आ जाए। क्योंकि गेहूं की खरीद और फरोख्त में उनका भी घोटाला सामने आया है और हमारा ख्याल है कि आज या कल या जब दोबारा यह सभा बैठेगी तब उस पर भी डिसकशन यहां पर होगा, चर्चा यहां पर होगी। तो वजह क्या है कि आपको अभी आए थोड़े ही दिन हुए हैं दोबारा लौटने में और एक के बाद एक घोटाला, एक के बाद एक घोटाला , बराबर खुलता चला जा रहा है। आज एक मिनिस्ट्री संदेह के घेरे में है, कल दूसरी मिनिस्ट्री है, परसों तीसरी मिनिस्ट्री है और फिर चौथी मिनिस्ट्री है। लगता है कि यह सिलसिला खत्म होने वाला नहीं है। इसलिए मैं यह चाहता हूं कि यह सभा विचार करे और सोचे कि क्या विदेशी सौदों में जो दलाली और घूस है उसको रोकने के लिए कोई कारगर कार्यवाही की जा सकती है या नहीं? मेरा एक सुझाव है, मान्यवर, अगर सरकार उसको मान ले तो बहुत अच्छा है। ऐसे सौदों के लिए जिनमें इस तरह के किस्से होते हैं इनकी छान-बीन के लिए एक परमानेंट कमीशन रहे और जहां कहीं यह शिकायत हो कि इसमें घपला हुआ है तो सरकार की मर्जी पर नहीं रहे, सरकार की मर्जी पर नहीं रहना चाहिए, वह परमानेंट कमीशन जो है इन्क्वायरी तुरन्त करे। बराबर वह रहना चाहिए जैसे और कमीशन काम कर रहे हैं। उस तरह से इस मामले के लिए भी, भ्रष्टाचार निवारण के लिए भी एक परमानेंट कमीशन हो और इसकी जांच करे।

दूसरा यदि इस तरह के सौदे होते हैं तो इनको कोई अकेला एक आदमी न तय करे, उसके लिए भी कोई कमेटी हुआ करे। ये मेरे सुझाव हैं। फिर अंत में मैं यह कहना चाहूंगा कि जो यह शक है और शुबहात हैं इस सौदे को लेकर इनको मंत्री जी, खाली यह बहसबाज़ी से हल होने वाला नहीं है, हमने एक बहस की, आपने

[श्री अनन्त राम जायसवाल]

दूसरी बहस की, लेकिन इनके जो बिंदु उठाए गए हैं, यहां पर जो बातें कही गई है उन पर सफाई होनी चाहिए, तब जाकर यह सभा विश्वास करेगी। ऐसा नहीं है कि यहां पर ऐसे लोग बैठे हैं कि जिनको मूर्ख बनाया जा सके। तो मूर्ख बनाने की कोशिश नहीं, सफाई और सच्चाई ही वह रास्ता है जिसमें कोई फंसता नहीं है। उस रास्ते को आप अपनाइये। रास्ता सीधी सड़क है, इसमें कोई कुछ खटपटा है, यह हमारी नेक सलाह है। इसलिए जो सच बात है उसको यहां पर उगलिए, तब शायद छुट्टी मिले। धन्यवाद।

श्री विश्वजित पृथ्वीजित सिंह: मैं मान्यवर, बहुत ही संक्षिप्त में कोशिश करूंगा परन्तु आप थोड़ा सा मुझे इजाजत दीजिए कि मैं जो फैक्ट्स हैं उनको सामने ला सकूं। क्योंकि मुझे अभी-अभी फाईल मिली है, जैसे कि आपने देखा है, मुझे कम से कम उस फाईल से थोड़ा सा कोट करने तो दीजिए।

श्री अनन्त राम जायसवाल: हम लोगों ने देखा है आप वहां लाबी में बैठे बड़ी मेहनत कर रहे थे।

श्री विश्वजित पृथ्वीजित सिंह: वह तो मान्यवर, मेरे को जो डाकूमेंट दे दिए गए थे वे सब फेग थे। मैंने अब फाईल देखी है तो मुझे पता लगा कि कहानी क्या है। अब मैं सही कहानी सुनाऊंगा।

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Mr. Vishvjit P.Singh, kindly start now.

SHRI VISHVJIT P.SINGH: Mr. Vice-Chairman, everybody has said that this is a very long story. I don't wish to go into all the details. There are certain pointed questions that I would like to ask the Minister by which the whole thing will become a little clear. I will go on to the facts a little later. I would like to know from the Minister: Is it not a fact that the decision to buy this particular technology of three-phase AC/DC, whatever it is, was taken on the recommendations of a planning group on technology for Railways, headed by M. Menezes, set up in April 1986, which submitted its report in June 1987? Is it not a fact? Is it also not a fact that the group set up by the Planning Commission once again in January 1990 recommended the purchase of these locomotives, not the Thyristors and it is on the basis of that the Railway Board took the decision and since the technology was not available in the country the technology was to be imported? Is it also not a fact that in 1987 the loan was cleared by the ADB and we are paying interest on that from 1987 till today at the rate of 4,000 dollars per day? It is costing us 4,000 dollars per day. Is it also not a fact that the first Tender Committee in October 1989 has decided in favour of Asea Brown Boveri and the Planning Commission intervened and asked for a review of the entire requirements of the Indian Railways and future planning and stalled the placement of the orders? If the orders have been placed at that time Rs.200 crores would have been saved. But the orders were stalled and it is because of the stalling of those orders that the country has to suffer a loss of Rs. 200 crores, I would like to know from the Minister whether it is true.

I am now going to quote from the documents, which have been provided to me very kindly by Mr. Jaipal Reddy, of the Tender Committee. This is the tender of 1990. What has it to say? This is what the whole thing hinges upon, the capacity of BHEL or the capacity of ABB. I will quote from page 338:

> "While the total costs are comparable, the exchange component would, however, be substantially higher in the BHEL's offer as compared to 1989 offer of ABB."

Once again I quote:

> "It is difficult to consider the prices of T.O.T. and many of the unit exchange spares quoted by BHEL as reasonable in spite of AC/DC freight and passenger locos having been deleted. Considering that very high prices have been quoted for unit exchange spares, the cost of locos built indigenously would also go up."

Now, from page 339:

> "The tender committee have deliberated at length on various aspects discussed in the foregoing paras and taking note of the salient points emerging from the discussion and having viewed the data regarding the projected long term foreign exchange implications, as brought out in the working

sheet at SN 419, it is not possible to recommend acceptance of BHEL's offer."

This is the Tender Committee of 1990. I am talking about the second tender. I am going to the third tender just now. Sir, there were certain individuals who were interested in making a show that the order went to BHEL. They had the right idea. I agree with what they wanted to do. The Minister agrees with what they wanted to do. The Government agrees with what they wanted to do. They tried their level best to see that the order should go to the BHEL. The tenders were cancelled. Fresh tenders were called for. When fresh tenders were called for there were two alternatives allowed by the Asian Development Bank. A date to be fixed for the fixation of the price because of foreign exchange components. There were two dates which could have been fixed as per the guidelines of the ADB--because the money comes from the ADB--either the date of opening of the tenders or a date fixed arbitrarily at the instance of the Minister of Railway. The Minister of Railway chose not to exercise that option. If the Minister of Railways had chosen to exercise that option I can well imagine the Leader of the Opposition accusing him of arbitrary action in favour of or against somebody. Today when he has chosen to foreclose the option long before the date came about and chose a particular date he is being criticised. I think this is highly unfair. While you go out, Mr. Jaipal Reddy, don't forget ....

SHRI S.JAIPAL REDDY: With your permission, Sir.

SHRI VISHVJIT P. SINGH: You may go. These tenders were opened on the 24th of June 1991 and that became the operative date for comparing the various prices. What was the BHEL tender? In BHEL tender once again no data was provided. The price was higher by Rs.43 crores. The technology which the BHEL was providing through Sumitomo Corporation.. Let my friends from the other side not forget the name of Sumitomo. Don't forget it was the same company which had been criticised in this House in the past. Today you are taking up cudgels on behalf of this Company. When it suits you, you criticise somebody. When it does not suit you, you come to their aid. (*Interruptions.*) I am talking about Sumitomo Corporations. He was found innocent. Don't forget that. You criticised everything. Sir, negotiations were carried out with the ADB. Negotiations were carried out with BHEL. The BHEL was classed as category-I from tenderer. But the objection came from the ADB. I would like to quote from the file which is so kindly placed in my hands by the Leader of the Opposition, Shri Jaipal Reddy. I am going to quote the recommendations of the Tender Committee. Its meeting was held from 20th to 26th November, 1991.

> "It was decided to call BHEL, the lowest of the evaluated tenderers, for negotiations with ADB's approval. While conveying their no objection, ADB inter alia stated that since BHEL had been determined to be the lowest evaluated bidder on the basis of price preference in terms of the bid documents, Ministry of Railways must satisfy themselves that information provided by BHEL demonstrates that 20% value added takes place domestically as rquired in the bid documents and that the result of the scrutiny in this regard may be advised in the evaluation report to be submitted to them after the negotiations."

The report has to be submitted to ADB on the evaluation which ADB will await. Again from page 404, I quote:

> "Accordingly, BHEL were told, vide Board's letter, dated 12.2.1991, (S.No.357) to furnish price details regarding indigenous value addition of not less than 20% of the quoted price of the equipment in support of their claim for being considered as 'Category I' bidder in terms of the tender conditions. These details were not furnished by the BHEL but in reply they again stated-
>
> > 'The maximum limit of F.E., according to the tender documents, should be limited to a value of less than 80% to

[Shri Vishvjit P. Singh]:

> qualify as Category I bidder. However, in our offer, we have limited the F.E. component to less than 75% of the total value'."

This was not acceptable because merely making a statement is not enough. They had to give details. Those details were not available. Why they were not available? I quote:

> "ADB have approved the stand taken by IR that BHEL is not a Category-I bidder. They have also explained the position to Sumitomo Corporation *vide* letter S.No. 190 of case No. 87/F (F.Ex.) 115/1/ADB *inter alia* stating 'BHEL appears to be confusing the total value of local content with the domestic value added, which is not necessarily the same.' ADB also explained to BHEL *vide* their letter of 6.12.91, copy at F/X, *inter alia* stating that 'As indicated in Annexure IIIA -Revised Offer Form for Category I & II bidders, "value added component in India" comprises stores, labour, overheads and others. This had to be estimated for each item to be manufactured in India and a summary given in Column 9, page 2 of Annexure IIIA. These details note that the domestic value added is not necessarily the difference between the total ex-factory price and the CIF value of imported equipment as claimed in your FAX of 29 November 1991, since the possibility of manipulating the CIF value of imported components on the ex-factory price to reach a predetermined/qualifying domestic value added component cannot be precluded."
>
> "Thus, the substantive part of the question, that is, whether BHEL is a Category-I bidder, has already been decided by the Board and the competent authority in the Ministry of Railways and the view taken by the Ministry of Railways has also been endorsed by the ADB, who are the funding agency..."

This was the position. This was further reiterated on page 410:

> "It is, however, a fact that contrary to the tender stipulations, BHEL have not furnished in Annexure III-A details of incidentals nor have they indicated the break-up of the value addition into stores, labour and overheads and others. The descriptive list of the items proposed for indigenous manufacture (Annexure 14) also does not give any price/value-addition information.
>
> 4. In the absence of these details, there is room for doubt in the offer as it stands, on BHEL's claim for value addition and consequently their claim for Category I is not established beyond doubt."

This was the recommendation made by the Tender Committee. It was further deliberated by the Secretaries' Committee, called the Inter-Ministerial Meeting Chaired by Shri Montek Singh Ahluwalia. I would like to quote again from the papers placed in my hands by my hon. friend Shri Jaipal Reddy:

> "The overall issues in this project were, therefore, once again discussed in the Inter-Ministerial meeting. The outcome of the discussion was as follows:—
>
> (a) Secy (HI) accepted that the break-up of information as required by MOR could not be supplied by BHEL in the interest of confidentiality of information...."

They chose to take the plea of, 'confidentiality of information'. One must remember that the tender documents had specified that this information had to be supplied if they wanted to qualify under Category I. They refused to supply this information on the basis of confidentiality. Where is the confidentiality when Sumitomo and hitachi already had this information? Confidentiality from the Ministry of Railways, confidentiality from the Ministry of Finance, confidentiality from the Committee of Secretaries, confidentiality from the

Department of Economic Affairs, but no confidentiality from the Sumitomo Corporation.' No confidentiality from the Hitachi Corporation of Japan. I would quote once again:

> "...both MOR and ADB had accepted BHEL's claim for 20 per cent domestic value addition. FC (Railways) however maintained that Railways did ask for this break-up of information during II round price negotiations, and BHEL did not supply this information."

The Railway Minister constantly accepted BHEL's claims. They not only accepted BHEL's claims, but they also accepted them as category I bidder. They gave whatever information was available to ADB. But ADB kept on putting pressure and said if the break-up is not available they cannot be classified as category I bidder. They informed the Ministry. They informed Hitachi. They informed BHEL. But finally, when nothing could be done, the final negotiations were carried out with A.B.B. The 2 per cent bank guarantee was taken up to 10 per cent. The price was brought down by 2 per cent on the main and 11 per cent on the spares, resulting in a total saving of Rs.12.71 crores. Finally what happened? There was a telex on 11/12/91 from ADB to DEA. Both these telexes made clear that it had taken four years for the tender negotiations and if they were not concluded, the loan would be cancelled, if they were not concluded, the second loan would be in jeopardy, as has been mentioned by my friend. And it was on those considerations finally that the order was placed immediately so that the money would not lapse, so that the Railways would function properly. If there is any stink here, Mr. Vice-Chairman, —the honourable Jaipal Reddy talked about a stink—it is of the fight between two foreign companies, not BHEL. BHEL is merely an agent. It is of the fight between two foreign companies, Hitachi of Japan and ABB. And let us not allow the fight between the two foreign companies to tinge the holy premises of this House. Let us not allow those files which are supposed to be sacred to be flung around in the Well of this House as if they were rags and pieces of paper. Thank you, Mr. Vice-Chairman. (ends)

SHRI N.E. BALARAM (Kerala): Mr. Vice-Chairman, I remember the saying of Mr. Abraham Lincoln. He once said that the Fourth Estate is one of the strongest limbs of democracy. Why I am saying this is some of my freinds on the other side like Bagrodiaji said that the Opposition Members were trying to cast aspersions or doubts on the activities of the Ministers. I don't think that is the intention of the Opposiiton. What I would like you to remeber is if the *Indian Express* had not published the news item about that particular lawyer and his note given to the Vice-Foreign Minister in Geneva, neither Parliament nor the country nor anybody would have known anything about it.....

SHRI YASHWANT SINHA: That is what they do not like.

SHRI N.E. BALARAM: Now the Fourth Estate is becoming very dynamic and powerful. Most of the news which we are not able to get, the Fourth Estate is supplying us. what is wrong in it? You are keeping so many thing secret and the Fourth Estate is revealing them. I think you should also appreciate the role of the Fourth Estate here during this time. Now, I am not very clear about all these things here. I have strong doubts about the methods adopted by the Railway Ministry on this. That is why I am supporting the proposal of Shri Jaipal Reddy that there should be some mechanism, some committee, some method, to go into it. Most probably it would be better to have a committee of Members of this House so that they can find out the truth. Why I am saying is this. There is something wrong somewhere, something fishy. And that is one real issue which is worrying me. What happend during these six months, especially about BHEL? I find that when Mr. Hanumanthappa was speaking, he was trying to emphasise again and again—he is not here now -- that BHEL was not in the line of production of this sort of a thing, that it did not have that much sophisticated knowledge or equipment for this sort of production. That was the contention made by Mr. Hanumanthappa. That may be true or

[Shri N.E. Balaram]:

may not be true. I don't know. But he was repeatedly emphasising and he went to the extent of saying that the tender form or whatever it was which was to be filled in by BHEL was found to be faulty, that it did not give any information, or something like that.

I would like to ask the honourable Minister whether he can explain one thing. According to the documents given by Mr. Jaipal Reddy, and also according to the newspaper reports, three times the Tender Committee said that the BHEL offer was the most advantageous one. The Tender Committee, I understand, does not consist of politicians. The Tender Committee consists of experts on economics, on technology and on other things. Otherwise they have no need to have a Tender Committee. I have no doubts about the capacity of the members of the Tender Committee. Three times the Tender Committee said this and at one stage they were very clear and the words they have used are: "The BHEL offer is the most advantageous offer." I would ask the honourable Minister to contradict this. This is the recommendation of the Tender Committee at one stage that it was the most advantageous offer. If that is the opinion of the Tender Committee, how can a senior Member like Mr. H. Hanumanthappa come and say to us, "They were not even filling the forms which were given to them. Who are the BHEL people? What do they know? They can do nothing." This is too much. I say, this is too much. If the Tender Committee could say three times that the BHEL was capable of supplying the materials--otherwise, how could they become a bidder?- and that it was advantageous to the Railways, how could they later on change their opinion? Why? That is the point on which I would like to have a clarification. Why did the Tender Committee change its opinion? That is the thing which I want to know.

SHRI S. JAIPAL REDDY: Mr. Balaram, just yield for a minute. The Tender Committee at no stage changed its opinion. After tremendous pressure, they merely said that there was room to doubt the capacity of the BHEL. They did not say that the BHEL was not capable. These are two different things.

SHRI N. E. BALARAM: What I am *saying is that, ultimately, the Tender Committee was yielding on some point. I do not know why. But they were not holding the opinion which they were holding at the initial stage. Surely, they were vacillating. I do not know why and I do not know whether something happened. That is what I would like to know.*

The second point is the most important point. He was talking of the fight between the TNCs, trans-national companies, in India and said that the Members of Parliament should not be a party to that. I fully agree with him. If that is the case, then it is a good thing and it is a very good advice. But Mr. Vishvjit Singh has left and he is not here now. I am now arguing a different thing. We have economists, outstanding economics, including Mr. Montekh Singh Ahluwalia. He is a famous economist and I do not think that he can be prevailed upon. I do not think that Mr. Sahrief can prevail upon him. But somebody prevailed upon him. How did it happen? That is the question and that is what I want to know. I am saying this because two times, on two occasions, these economists were of the opinion that the ABB Co. was not prepared to abide by the decisions of the Indian Railways, two times, and they made it very clear also. At one stage, the ABB Co. told us—it is very shameful-- that they were not prepared to supply the materials, equipment and technology according to the conditions laid down by our Railways. "If you want to settle the issue," they told us, "we would settle it in Paris under the rules of the International Chamber of Commerce." This was told on the face of the railway officers. The Minister must clarify this. This is the role that the TNCs are playing in this country.

You can sit along with the International Chamber of Commerce and observe the rules, we are prepared to observe both the rules--not the rules of Indian Railways: this is what they did, this is what they told at the face of our Minister, at the face of our officers. If it is a wrong thing, you can contradict it. This was too much. It was too much to swallow for the economists who are

working in the Finance Department; it is too much for them to swallow. That is why they hesitated in the Committee meetings. In the Secretaries' meeting they said: we cannot agree with the ABB and it is not going along with the Railways thinking. They have taken a different line. That was the decision taken. That was the guideline by the Secretaries' meeting to the concerned department and make enquiry about it. They are worried about it. They are economists. It is too big for them to swallow a guideline given by the ABB. This is what they were telling our people. So this was going on. The ABB, twice, in the meeting on the 10th February, were deviating from the guideline given by the Railways, and ultimately...*(Time Bell)*.

I am concluding; I shall not take much time. On March 14th, the Finance Ministry completely agreed with the Railways. They said that is not good for the country, it is not good for the Railways; they were not agreeable. The ABB proposals were not conducive to the Railways. That was known on February 10 or on March 14. But somehow these people prevailed upon them and they changed their view. I do not know how. Nobody knows. Then, I do not see anything in the record supplied by Mr. Jaipal Reddy. I do not see anything in the papers about this. This is a dark period, as far as the Railway Ministry is concerned. So doubts are there. How do you clarify? I would like to have the minutes of the Secretaries' Committee meetings, number one. I would like to have Tender Committee's reports, all reports. Then we can say something about it. We are getting some documents here and there. But we would like to have full knowledge about it. From February 10 to March 14 what happened in the Finance Ministry, nobody knows. How did they change their opinion? How did Mr. Montek Singh change his opinion? He was of the opinion that ABB was not going by the guidelines given by the Railways.

SHRI S. JAIPAL REDDY: To the best of my knowledge, Mr. Montek Singh Ahluwalia did not change his view. He said that this is a matter for the Railway Ministry to decide.

SHRI N.E. BALARAM: What I am saying is that this issue requires more facts, more evidence. I completely agree with Mr. Jaipal Reddy that a committee must be set up. That is good for the Ministry. That is good for us. That is good for the country. I think the Minister will agree to this. That is the only solution for us.

SHRI P. UPENDRA (Andhra Pradesh): Mr. Vice-Chairman, Sir, I do not want to go into the details of the Tender Committee what happened to that.

I had a personal knowledge of this to a certain extent. And I can only say that it is not fair to accuse Mr. Jaffer Sharief of any indiscretion at this stage because it is a long story. Probably, the delivery has taken place in his time. To that extent, we can blame him. There is some kind of an enuthusiasm, you may call it misplaced or unjustified, in the Railway Ministry for operating the electric locomotives which are being made in this country. This started in 1978 itself when the Janata Party Government was in power. There was a proposal to import ALCO locomotives, high power locomotives from America and prototypes to uprate the locomotives which we were making here. But, at that time, it was rightly decided that we should not agree to that proposal because at that time also, as it generally happens, there was wining and dining in the fram houses in Gurgaon and all that. Naturally, that is the thing which the suppliers do. And rightly, at that time, the Minister decided that it should not go through. It was stopped. But after that, a Committee which went into the prospects of the Railway traffic estimated that by the end of the Seventh Plan, the freight traffic would reach 350 million tonnes, and for that purpose, there would be a requirement of 700 locomotives. And what are the sources for these locomotives? They suggested that the Chittaranjan Locomotive Works should produce half of it, and the BHEL should produce 120, and then some more should be imported, if necessary, and the capacity at the Chittaranjan Locomotive Works must be increased. That was the stage in the 80s. And then the file started, the movement started, and the Sumitomo and the Asea came into the

[Shri P. Upendra]

picture. And at that time, the order was almost, given. I was a Member of the Railway Convention Committee. And the Railway Convention Committee in its Fifth Report of 1985 of the Eighth Lok Sabha dealt with this subject of railway electrification. There was a chapter on this particular aspect. That was submitted in this House on the 6th May, 1986. It is not today's affair. It is 6 years old. And at that time, the Committee felt that the enthusiasm of the Railway Ministry was misplaced. And the justification given by the Railway Ministry was that only the prototypes would be imported, 12 from America and 6 from Sweden, and then the Chittaranjan Locomotive Works would copy that, uprate their locomotives which they are making of 3600 HP, and gradually production would start. We went to Chittaranjan. We saw that. And I advised the Railway Minister also to have a detailed discussion in Chittaranjan and find out what the position is. And the Chittaranjan Locomotive authorities, the General Manager and all the authorities told us that they have the infrastructure there for producing a 5000 HP locomotive there. But they are starved of funds. They said, if more funds are made available, they can make 5,000 HP locomotives at Chittaranjan itself. I do not hold any brief for BHEL. BHEL's performance has been very bad at that time—I do not know the present position— because they failed at every stage in the supply of traction motors, etc. They let down the Railways very badly. I do not come to the present stage and the present tender and all that. But that was the situation at that time. But in spite of that, the Chittaranjan Locomotive Works said, "if the funds are given, we can manufacture 5,000 HP locomotives." And the Committee felt that way in the interest of indigenisation and to save foreign exchange, and because of the fact that 8 years will be required to manufacture this. It is not one day's affair. After getting a prototype, you have to give one year's trail and then the series of manufacture will start. Minimum 8 years will be taken to manufacture this locomotive.

By that time, technology will change and new types will come. But we did recognise the fact that the Indian *Railways needed a powerful locomotive because the traffic is increasing. Locomotive of 3600 HP was not enough. Therefore, the Committee after going through that aspect, finally recommended that Chittaranjan Locomotive Works must be given the necessary infrastructure and more funds to operate these locomotives and the Railways can do with these 5000 HP locomotives. Member Mechanical who testified before the Railway Convention Committee said that they wanted to strengthen Chittaranjan Locomotive Works. He agreed to that extent. But one surprising thing is, during his evidence before the Committee, he said that an order for 18 prototype 6000 HP locomotives had already been placed on two manufacturers. This was in 1986. If an order had been placed already in 1986, what has happened? The Member Mechanical had testified before the Committee. What happened subsequently, the Government and the Minister have to answer. At that time the Committee was told, when the draft report was sent to the Ministry, after receipt of the draft report, the order was placed. And we took up in the Committee; we objected to that. When the Committee made a specific recommendation to stop this import, why this kind of order had been placed in spite of that? But not only the order was placed at that time, the number was also increased from 18 to 30. Therefore, the Government has to answer as to what happened. The Member Mechanical testified before the Committee that order was already placed at that time. Then why re-tendering and all that? What happened? Why the same parties figured in that re-tendering also? They have to answer. What did we finally say? The Committee finally said: "The Committee feel that CLW should be asked to go ahead with operating of indigenous electric locos to 5000 to 6000 HP and Railways should not attempt to go for import of 6000 HP locos which would lead to a setback to Railways indigenisation programme. The imports already ordered may be reviewed and cancelled, if possible." That was the specific recommendation of the Railway Convention Committee. Therefore, I do not want to go into the allegations or the*

counter-allegations. I do not dispute the fact Mr. Jaipal Reddy has said. I do not cast aspersions on the Minister's honesty also. But on what has been done in the circumstances if he has to clear himself, the only way is, let him refer the matter to the Railway Convention Committee again. Or we will take up the matter again. The Railway Convention Committee will pick up the thread from its previous report. Let him hold on this order till this Committee gives its report. We will go through all the aspects. We are also aware of the responsibility of the Railways and also know how much traffic they are handling. If there is real need for import, the Committee can recommend that. The Minister can clear himself of whatever the allegation are being made, and that is the only honourable course for him, and I hope he will agree to that.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Now Shri Ram Awadhesh Singh.

SHRI V. NARAYANASAMY: I gave chance to Mr. Upendra to speak. You should also see that when we are giving time to others, we should also be accomodated.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): All right; Mr. Narayanasamy to speak.

SHRI V. NARAYANASAMY: Three people spoke from that side.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): You can speak and take your time.

SHRI V. NARAYANASAMY: You should have called me without other people telling you to do so.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No, your time has been taken by Shri Vishvjit P. Singh.

SHRI V. NARAYANASAMY: How many Members have taken time on the other side?

SHRI VISHVJIT P. SINGH: I have not taken anybody's time; it is Mr. Jaipal Reddy who has taken this time.

SHRI V. NARAYANASAMY: Thank you for giving me this opportunity.

[**The Deputy Chairman** in the Chair]

The hon. Members while speaking have been trying to cast aspersions and they created doubts in the minds of the people by saying that while purchasing these locomotives, the procedure was not followed, the Technical Committee's report was not considered, and the Committee of Officers or the Committee of Secretaries was ignored. I would like to say first about the decision taken by the Technical Committee in its review. It was reviewed for the second time also.

8.00 P.M.

And it is one of the conditions in the tender document for the third bid, which the hon. Leader of the Opposition has been saying, that 20 per cent value addition should be proved for getting the 15 per cent price preference by BHEL. Madam, when they were saying that the price preference that was quoted by BHEL is lower when compared to ABB, I would like to ask them whether BHEL proved that they have got 20 per cent value addition according to the tender document for considering BHEL for category I. This is a simple question. They had to satisfy that condition to get the 15 per cent price preference. At no point of time, either before the Technical Committee or before any other authority, when discussions were held, it was not proved by them that they have got 20 per cent value addition according to BHEL documents. Hanumanthappaji has said that in the tender document they have not furnished any details about value addition. it is one of the conditions of the tender. When the tender is incomplete, when the tender is not giving full details that were required by the authorities, what will the authorities do? It was only at the preliminary stage that it was categorized as category I, and they had called for negotiations and they had been asked to give the particulars. But they failed to furnish the particulars. And what was the reason given by the Secretary, Heavy Industry? It is quite surprising. He says it is a secret document. The BHEL company is participating in the tender bid and is bidding along with international bidders. When they were asked to furnish details, is it not the duty of BHEL to furnish those details to qualify themselves as successful bidders? That is the basic

[Shri V. Naryanasamy]

defect, basic disqualification of these people...*(Interruptions)*... I am not telling Mr. Upendra, I am addressing the Chair.

Secondly, Madam, I am going to the point of proven technology. Everybody knows, and everybody says also, that the locomotives that have been manufactured by ABB are of proven technology. They have been used in Europe, Switzerland, United States and other countries. Hundreds of their locomotives have been in operation, but let the hon. Members say whether the locomotives manufactured by BHEL are in operation and whether they do not want our country to be used as a testing ground for these new innovations that have been made by Hitachi-Sumitomo technology. Therefore, Madam, I would like to say that naturally any person who knows goes in for proven technology only and not for using India only as a testing ground.

Thirdly, Madam, the preference which ABB is giving, which hon. Members also should know, the transfer of technology and the services which ABB have agreed and are giving, that was also accepted. And when we go through the reviews-- first, second and third reviews-- I would like to bring it to the notice of the hon. Leader of the Opposition because he says that there has been undue haste. But there was no undue haste. The file went to the Finance Ministry and it was lying there for more than three weeks. In the month of December 1991, certain queries were put. They have been satisfied and thereafter the file was sent by the Railway Ministry to the Finance Ministry. Then where is undue haste in deciding the matter? During the month of March all the process has been completed and the Finance Ministry finally agreed and left it to the Railway Ministry. Every thing Mr. Jaipal Reddy knows but he is creating a doubt saying that the Technical Committee report has been brushed aside. The Technical Committee report has not been brushed aside. The technical committee finally said that the BHEL as category I, has not been proved beyond all reasonable doubts. That being the case, how can the BHEL be considered by the Railways for the purpose of accepting their bid. Therefore, Madam, the arguments put forth by the other side that the price quotation of the BHEL was lesser than that of the ABB is wrong. *(time bell)*

One more point, Madam. Then I will conclude. In the tender document itself, how the price is to be considered according to the foreign exchange rate has been very clearly mentioned for the purpose of accepting a bid. It has been very clearly given that for the purpose of evaluation and comparison of offers, all prices shall be converted to Indian rupees at the BC selling exchange rates of the State Bank of India for each of the currencies in which such prices are expressed on the date of opening of price bids. On the date of opening of the price bids it has to be considered. Madam, very clearly it has been said by hon. Members from our side that the Railways are saving Rs. 43 crores by giving the bid in favour of the ABB when compared with the price quoted by the BHEL on the date on which the bid was opened.

Therefore, Madam, there was no iota of any doubt as far as the procedure that has been followed by the Railways is concerned. Madam, it was reviewed several times up to the technical level, up to the commercial level, up to the Ministry level, up to the Secretary level. Therefore, Madam, they found nothing.

There is a demand, Madam, from the other side that there should be a JPC. Madam, we know their conduct also in the three year period. There will be a demand now for a JPC, and they will not co- operate with us. They will boycott the JPC. That is their conduct. That is the conduct of the Opposition leaders who are sitting there. Therefore, Madam, for the demand they have made, they have not said anything substantially about the purchase of the locomotives from the ABB. Therefore, Madam, I would like to submit that the allegations that have been made have not been proved. Therefore, my submission is that the demand made for a JPC cannot be considered by the hon. Minister.

SHRI N. E. BALARAM: There is a prima-facie case.
(Interruptions)

श्री राम अवधेश शर्मा: उपसभापति महोदय, मैं समझता हूं कि आप बहुत कम समय देंगी...

श्री दिग्विजय सिंह (बिहार) पूरा समय होगा। आप आराम से बोलिए।

उपसभापति: अभी एक और बाकी है बी०जे०पी० के। अश्विनी कुमार जी बोलकर गये थे। किधर गये। He wants to speak.

श्री राम अवधेश सिंह: उपसभापति महोदया, इस देश में एक बिमारी समा गयी है, खास तौर पर सरकार के मंत्रियों के दिमाग में और वह यह है कि कोई चीज खरीदनी हो तो जरूर विदेश से खरीदो अगर वह चीज अपने देश में मिलती हो तब। इसलिए लगातार रिर्सच एण्ड डेवलपमेंट पर ध्यान दिये बिना बाहर से खरीदने की बीमारी रहती है। इसमें विवाद है कि "भेल" और हिताची जो जापान की कंपनी है इसके कंसोर्टियम को न देकर ए०बी०बी० और जो ख्विस कंपनी है तथा मरू बेनी की जैपनीज फर्म है इन की मिलावट से जो कंसोर्टियम बना है उससे खरीदा जाए। पहले कंसोर्टियम से न खरीदकर दूसरे कंसोर्टियम से खरीदा जाए। यहां ट्रेजरी बेंचेज से यही तर्क दिया जा रहा है कि "भेल" और "भेल" के साथ जो हिताची कंपनी का कंसोर्टियम है इसकी टेक्नालोजी ए०बी०बी० की टेक्नालोजी से जूनियर है। यह कहा जा रहा है कि प्रूवन टेक्नालोजी ए०बी०बी० की है।

लेकिन इसमें जो देश को हानि होगी, वह इस बात की हानि होगी कि "भेल" और हितैची कंपनी की जो कंसोर्टियम होगी, वह जो टैक्नालोजी देगी, उस टैक्नालोजी से भारत में पर्मनिंट टैक्नालोजी आ जाएगी और उसके टर्म्स एंड कंडीशंस ऐसे थे कि भारत में स्थायी टैक्नालोजी आ जाती और फिर हमको विदेशों पर कोई इस तरह की टैक्नालोजी खरीदने के लिए निर्भर नहीं होना पड़ता। लेकिन यह कंसोर्टियम जिससे रेल मंत्रालय ने सौदा किया, इसके अनुसार यह जो टर्म्स हैं, वह कंपनी डिक्टेट करेगी। वह टैक्नालाजी दे भी सकती है और नहीं भी दे सकती है और फिर कभी जरूरत पड़ेगी, तो हमको उसी से टैक्नालोजी लेनी पड़ेगी, या हो सकता है कि और किसी से टैक्नालोजी लेनी पड़े।

इसलिए भारत को भारी हानि होगी। हमको कुछ मंहगी भी हो सकता है, पड़ती। तो टैक्नालोजी हमको आज मिल जाती हितैची और "भेल" के सहयोग से, तो वह हमारी एक राष्ट्रीय संपत्ति बनती, जिसकी उपेक्षा इस ए०बी०बी० के साथ समझौते में की गई है। इसलिए मैं चाहता हूं कि इस पर मंत्री जी स्पष्टीकरण दें कि यह टर्म्स एंड कंडीशंस दोनों सौदों में क्या है? हितैची और "भेल" के सहयोग से जो टर्म्स एंड कंडीशंस थे आपके पास, वह हितैची की जो हाई टैक्नालोजी है, यह दुनिया में मानी जाती है कि आटोमोबोल्ज़ में हितैची की टैक्नालोजी प्रूवन है। जो यह लोग कह रहें है कि ए०बी०बी० कंपनी की टैक्नालोजी प्रूवन है, जो यह लोग कह रहे हैं कि ए०बी०बी० कंपनी की टैक्नालोजी प्रूवन है, उससे सुपीरियर टैक्नालोजी हितैची की है और ए०बी०बी० कंपनी अपने से नहीं बनाती। वह भी जापान की एक फर्म से, जिसको मरुबेनी कंपनी कहते हैं, वह उसका सहयोग लिये बिना ए०बी०बी० अधूरा है।

तो असल में, महोदया, यहां सवाल दृष्टि का है। जहां टैक्नीकल बहस हो रही है कि टेंडर फार्म में उसने पूरी-पूरी बात नहीं भरी। इसलिए हम उसको रिजैक्ट कर रहें हैं। नेशनल आऊटलुक नहीं है। यह टैक्नीकल आऊटलुक है और यह वकीलों जैसी बहस है। अगर इनकी दृष्टि होती कि हमको राष्ट्रीय हित करना है और टैक्नालोजी जो हितैची से मिलेगी, पर्मनिंट टैक्नालोजी अपने देश में आ जाएगी, तो इनकी दृष्टि उधर जाती, लेकिन इनकी दृष्टि उधर नहीं गई और यह टैक्नीकल एरर का, या प्रोसीजर का सहारा लेकर अपनी जो कार्यवाही की है, उस कार्यवाही का औचित्य ठहराना चाहते हैं।

मैं यह जानना चाहता हूं कि जब मंत्री जी जवाब दें, तो यह बतायें कि यह दोनों हितैची और मरुबेनी जो जापानी फर्म्स हैं, दोनों की टैक्नालोजी में से किसकी टैक्नालोजी सुपीरियर है, यह कम से कम मंत्री जी बतायें क्योंकि यह तो इंटरनेशनल रेप्यूट का फर्म है और इसकी जांच कभी भी हो सकती है, कोई एक्सपर्ट्स कमेटी, हाऊस की कमेटी जा सकती है, कोई और भी कमेटी जाकर जांच कर सकती है कि दोनों में से किसकी टैक्नालोजी इंटरनेशनली अच्छी है।

यहां बहस बहुत लिमिटेड दायरे में की जा रही है। "भेल" को अगर टैक्नालोजी मिलती , तो यह राष्ट्रीय कंपनी है, सरकारी कंपनी है, इसको अगर फायदा भी होता, कुछ ज्यादा पैसा भी देना पड़ता, तो संभव है कि लाभ इसको होता, दूरगामी लाभ होता और यह पैसा घूम फिर कर के हमारे पास रहता, सरकार के पास रहता फिर पब्लिक सैक्टर अंडरटेकिंग्ज में रहता आज तो यह बीमारी है।

महोदय, मैं पिछले तीन साल से इस बात पर जोर दे रहा हूं, लड़ता रहा हूं कि पब्लिक सैक्टर अंडरटेकिंग्ज में जितने फर्म्स हैं, यूनिटस हैं कंपनियां हैं, उनका एक कंसोर्टियम बनायें।

इलैक्ट्रोनिक, इलैक्ट्रिकब्ज़, मकैनिकल्ज़ अलग-अलग जितनी कंपनियां हैं जो पब्लिक सैक्टर में हैं, काम के अभाव में बंद हो रही है। शायद यहां बहस हुई पिछले

[श्री अराम अवधेश सिंह]

दो रोज़ आधा-आधा घंटे में एच.ई.सी. के बारे में, उसको कोई काम नहीं देता है, वह बाहर से खरीद कर सामान लाएगा। यह कंटीन्यूअस कास्टिंग मशीन बना सकता है। उसको काम यहां की कोई स्टील कंपनी नहीं देती है। वह बाहर से खरीद कर लाती है। इसी तरह से महोदया, आपको शायद मालूम हो यह बाहर से खरीद कर, बाहर से किकबैक लेने की बीमारी हर मंत्रालय में हैं। कोई बात प्रकाश में आ जाती है, कोई बात प्रकाश में नहीं आती। यह जो एयरपोर्ट पर आप जाती हैं, देखती होंगी कि जो ट्राली है, ट्राली पर सामान लाते हैं, इसमें क्या टैक्नोलोजी है? लेकिन यह भी विदेश से मांगते हैं और इसमें कमीशन खाते हैं। इसमें क्या टैक्नोलोजी है? इसे तो गांव का लोहार बना देगा। गांव का लोहार जो बना सकता है तो उसको क्यों विदेश से मंगाते हो? इसलिए इस बात को दर्द से मैं कह रहा हूं, हर बात को विदेश से मंगाए ऐसी चीज़ों को भी मंगाएं जो कि हम कर सकते हैं। हमारा पब्लिक सैक्टर कर सकता है, प्राइवेट सैक्टर भी कर सकता है तो दौलत घूम फिर कर देश के अन्दर ही रह सकती है। फोरेन एक्सचेंज का प्राब्लम उतना नहीं होता और सब से बड़ा फायदा था जिस ओर सारे माननीय सदस्यों ने ध्यान नहीं दिया कि जो टैक्नोलोजी उसके करार में होता हिटैची और भेल से वह टैक्नोलोजी हमको स्थायी तौर पर मिल जाता, इसमें डिक्टेट करें। यह जो दूसरा कर्म आपने किया है, जिससे सौदा किया है उसकी टर्म पर, उसके डिक्टेशन पर आपको टैक्नोलोजी मिल सकती है, तो मैं यह जानना चाहता हूं कि इसके बारे में भी जरा सफाई करेंगे कि यह टैक्नोलोजी लेने का टर्म्ज़ एंड कंडीशंस क्या हैं इस पर स्पष्ट करेंगे ताकि यह देश की जनता और हम सब जान सकें कि ये दोनों सौदेबाज़ी में टर्म्ज़, टैक्नोलोजी लेने के और देने के बारे में क्या है? क्या यह संभव है कि आपने जिससे सौदा किया है उस टैक्नोलोजी का लाभ यह चितरंजन के विकास में लगे? रिसर्च डिवैलपमेंट के जरिए हम चितरंजन को और थोड़ा बढ़ा सकें, यह संभव है क्या ? धन्यवाद।

श्री अश्विनी कुमार (बिहार): उपसभापति महोदया.....

उपसभापति: आपका समय, यह कहा गया था कि आपने अपना समय किसी को दे दिया था।

श्री अश्विनी कुमार: अब समय तो पार्टी का है। जैसे लोग ले लेते हैं। हमारी तरफ से कोई बोला नहीं है। अगर आप अनुमति देंगी तो मैं 5 मिनट रखने की करूंगा।.....**(व्यवधान)**

उपसभापति: मुझे सेक्रेटेरिएट ने इत्तला दी इन्होंने अपना समय पार्टी को दे दिया था। आपने दे दिया, अब आप दी हुई चीज़ वापस लेना चाहते है, तो यह आपकी मर्जी है।

श्री अश्विनी कुमार: आपसे एक्स्ट्रा मांग रहे हैं। जो दे दिया उसको वापस कैसे लेंगे।....**(व्यवधान)**

माननीया उपसभापति महोदया, ... **(व्यवधान)** आज तो बहुत रात तक बैठने के लिए मन बना कर हम लोग बैठे हैं। .....**(व्यवधान)**

श्री दिग्विजय सिंह: जैकब साहब, भोजन-पानी है?

उपसभापति: जैकब साहब, खाने का कोई इंतजाम करवा रहे हैं?

श्री राम अवधेश सिंह: क्या भोजन-पानी का इंतजाम है? .... **(व्यवधान)**

कार्मिक, लोक शिकायत और पेंशन मंत्रालय में राज्य मंत्री श्रीमती मारग्रेट आल्वा: अभी तो एम. पीज़ को ओवर टाईम आपको देना पड़ेगा।

उपसभापति: जैकब साहब, कुछ भोजन-पानी का इंतजाम करा रहे हैं?

SHRI M.M. JACOB: Madam, Deputy Chairman, we have asked the canteen people to keep everything ready. Whenever we want, they should make them available.

....(*Interruptions*)....

उपसभापति: एक तो रेलवे मिनिस्टर साहब को आप अच्छी तरह से हैरान कर रहे हैं और ऊपर से यह उम्मीद करते हैं कि वह आपको खाना भी खिलाएं।

रेल मंत्रालय में राज्य मंत्री (श्री एम० मल्लिकार्जुन): मैडम, आलरेडी जो है इंप्रूव ही करे हैं। ....**(व्यवधान)**

SHRI C.K.JAFFER SHARIEF: Madam, if something is available, we will ask them to supply.

THE DEPUTY CHAIRMAN: It will amount to bribing the MPs. You should bribe them, not the Railway Minister.

SHRIMATI MARGARET ALVA: Madam, the tone of the debate will change because hungry MPs are angry MPs.

THE DEPUTY CHAIRMAN: The Parliamentary Affairs Minister should arrange it.

SHRI P. UPENDRA: Madam, you appear as if you have finished your dinner and come.

THE DEPUTY CHAIRMAN: I was fasting, so, I finished my dinner and came.

श्री अश्विनी कुमार: माननीय उपसभापति महोदया, यह जो विषय विचार के लिए आया है, इस पर हमारे माननीय सदस्यों ने बहुत तकनीकी गहराई से छानबीन की

है। उसमें जितने भी बिंदु उठाए गए हैं, उस सारी समस्या के अंदर मैं एक बिंदु की ओर सदन का ध्यान आकर्षित करना चाहूंगा और मैं चाहूंगा कि जब रेल मंत्री महोदय, जब उन सारे बिंदुओं पर स्पष्टीकरण दें तो उस बिंदु पर भी खुलासा करें।

उपसभापति महोदया, मेरी जानकारी है और जैसे कि बताया भी गया कि पहले बी० एच० ई० एल० को देने की बात थी, उसको देने की बात थी, लेकिन अंतिम निर्णय जो हुआ जोकि सुपीरियर अथारिटी से हुआ और वह रेलवे मंत्री और फायनेंसियल कमिश्नर ने मिलकर किया। क्या यह बात सही है कि फायनेंसियल कमिश्नर, जो तथाकथित हैं, उनका कार्यकाल आज से दो महीने पूर्व समाप्त हो गया था और उन्हें केवल दो महीने या एक महीने का एक्सटेंशन दिया गया और वह जाते-जाते यह कार्य कर के गए हैं? शायद इसी काम के लिए उनको एक्सटेंशन दिया गया था। यह एक बड़ी महत्वपूर्ण बात है जिसके कारण व्यक्ति विशेष जुड़ता है और इसके कारण एक प्रश्न चिन्ह के घेरे में वह आता है। मैं चाहूंगा कि मंत्री जी अपने जवाब में इसे शामिल करेंगे और इस प्रश्न चिन्ह के घेरे से बाहर लाएंगे।

महोदया, दूसरा जो मेरा एक मौलिक प्रश्न है, वह इंडीजनायजेशन का प्रश्न है। यह बात सही है कि हमारे यहां फ्रेट बहुत बढ़नेवाला है और यह बढ़ना आवश्यक भी है देश की तरक्की के लिए। परंतु अन्य देशों से जहां से हम टैक्नोलोजी ले रहे हैं, बड़े लोकोमोटिव्स ले रहे हैं, जैसे अमेरिका रसिया, तो जहां लांग रेंज हॉलिंग ऑफ द गुड्स होता है, वह यूरोप में होता है। वहां पर जहां तक मेरी जानकारी है, रेलवे का पैसेंजर ट्राफिक लगभग जीरो है। अमेरिका में तो रेल को पैसेंजर ट्रेंस लगभग हैं ही नहीं। सारा ट्राफिक प्लेंस या बसेज से चलता है। बहुत कम पैसेंजर और मेल ट्रेंस हैं। हमारे यहां जो मेल ट्रेंस और पैसेंजर ट्रेंस हैं और जो हमारे ट्रैक हैं, वह जैसे कलकत्ता से अमृतसर तक या बंबई तक या बंबई से मद्रास तक, यह घने इलाके में जाते हैं और उसी ट्रैक पर हमको गुड्स ट्रेन को भी ले जाना है और पैसेंजर और एक्सप्रेस और मेल ट्रेंस को भी ले जाना है। अब एक्सप्रेस ट्रेन की एवरेज स्पीड लगभग 80 किलोमीटर है। गुड्स ट्रेन जो आजकल लंबी-लंबी बन रही हैं जिनमें कि दो-दो इंजन लग रहे हैं, जहां तक मुझे ज्ञान है, उनकी स्पीड करीब 45 किलोमीटर है। इसलिए ट्रेंस को, मेल और एक्सप्रेस ट्रेंस को पास करने के लिए उनको जगह-जगह पर बहुत हॉल्टेज देने पड़ते हैं। महोदया, कई-कई जगह इतना बड़ा हॉल्टेज होता है कि इंजन अलग कर दिया जाता है। वहां 8 से 10 घंटे का हॉल्टेज होता है। तो इस प्रकार का सुझाव मेरी जानकारी में है, मेरे पास उस सुझाव की प्रतिलिपि है जोकि प्रधान मंत्रीजी और रेल मंत्रालय को दी गयी है अपने हाथ से कि हमारी ट्रेंस छोटी करें और ट्रेंस छोटी कर के जो हमारे यहां चितरंजन लोकोमोटिव्स और डी०एल०डबल्यू० के इंजन बनते हैं, उनसे चलाएं और उनकी स्पीड बढ़ादें। उनकी स्पीड हम एक्सप्रेस ट्रेंस की स्पीड के बराबर लाएं। तो इसका अर्थ यह होगा कि आज जो वर्क आउट किया है उन्होंने की अगर एक गुड्स ट्रेन हावड़ा से चलती है अमृतसर तक जाती है और लौटकर हावड़ा आती है तो जो मेरी जानकारी है, बहुत टैक्नीकल तो मैं नहीं हूं, लगभग उसमें 20 दिन लगते हैं और अगर उसी स्पीड से जाए तो वह 30 घंटे में अमृतसर पहुंचेगी। 30 घंटे में आएगी—हॉल्टेज, अन-लोडिंग वगैरा मिलाकर 5—6 दिन में वह टर्न ओवर हो जाता है जोकि 25—30 दिन में होता है। अगर उस प्रकार से किया जाय तो एक तो जो ट्रैफिक जाम होता है, वह खत्म होगा और दूसरे ट्रेंस ज्यादा चलेंगी और उन इंजनों का उपयोग होगा जो कि हमारे ही देश में बन रहे हैं। महोदया, हमने वह विचार लिया भी अमेरिका से है जहां पर कि ट्रेंस के ट्राफिक के अंदर पैसेंजर ट्रेफिक है ही नहीं। हमारे यहां तो हम पैसेंजर ट्राफिक के लिए ट्रेंस की मांग प्रतिदिन करते हैं और यहां उठाते रहते हैं कि यहां पर राजधानी लाओ, यहां पर और फास्ट ट्रेन लाओ। वहां यह समस्या नहीं है। वहां ट्रेंस चलती रहती हैं, चाहें जिस स्पीड से चलें। तो हम दोनों ट्रेंस को एक ही स्पीड पर कर दें।

महोदया, उसके अंदर जो दूसरा सुझाव दिया गया है, वह है इंडिजनायजेशन का। देश की परिस्थिति को देखते हुए, अपने पब्लिक सेक्टर को देखते हुए, उन्होंने दूसरा सुझाव दिया है कि जैसे ट्रेंस हमारी हावड़ा से अमृतसर जाती हैं तो वे कोयला, लोहा वगैरा बहुत-सा सामान ले जाती हैं। कई बार गेहूं भी लाती हैं और कई बार खाली ट्रेंस वापिस आती हैं। तो सुझाव दिया गया है कि जब खाली वैगंस, ओपन वैगंस आते हैं तो उनके ऊपर ट्रक्स को लोड कर दिया जाए और लोडेड ट्रक्स जो माल ले आते हैं। क्योंकि जो ट्रक की सर्विस है, वह पैसेन्जर टू पैसेन्जर है। यहां से हमारे घर से माल उठाकर मेरे मित्र के घर तक पहुंचा देते हैं और बल्क रेलवे उठाते हैं। उसके ऊपर अगर आप ट्रक को ले आएंगे तो जो सारा डीजल का खर्चा है वह बच जाएगा, फुल स्पीड होगी, युटिलाइजेशन होगा।...

श्री हेच० हनुमनतप्पा: बोगी को बदलना पड़ेगा।

श्री अश्विनी कुमार: नहीं, नहीं, ओपोन वेगन। ओपेन वेगन में ट्रक्स आते हैं। आपकी जानकारी में होगा, हनुमनतप्पा जी, मिलटरी के टोटल वेगन से जो उनके ट्रक की मूवमेंट है, वह ओपेन खर्चा होता है। पूरी की पूरी ट्रेन जाती हैं, मिलटरी स्पेशल जब जाती है तो उस पर खर्चा होता है। यह कोई नई बात नहीं है। जैसा

[श्री अश्विनी कुमार]

कहा है कि एक तो हमारे पब्लिक सेक्टर बी०एल०डब्लू० और चितरंजन लोकोमोटिव इंजिन बना सकते हैं। दूसरा, यह कि अगर ट्रक का इस प्रकार उपयोग करें तो उनके गणित के हिसाब से जितना हम क्रूड इम्पोर्ट कर रहे है, दो वर्ष में उतना क्रूड का इम्पोर्ट पांच-दस परसेंट रह जाएगा। सारा खर्चा उसमें से समाप्त हो जाएगा। यह रिपोर्टस है।

महोदय, मेरा नम्र निवेदन होगा कि आज हमारा सबसे बड़ा क्रंज जो है, हमारे देश के लिए जो बिल्कुल सबसे समस्या बन गई है, वह है फोरेन एक्सचेंज और इसमें दो बातें हैं—फोरेन डेट् और क्रूड इम्पोर्ट। यह दो सबसे बड़ी समस्याएं हैं। हमारी एक समस्या का निदान हो सकता है रेलवे के माध्यम से। हमारा पैसेंजर, हमारा गुड्स ट्रेफिक एफिसिएण्ट हो सकता है और हमारे धन से हो सकता है, जो हम अपने माध्यम से बना सकते है। उसके लिए हमें ए०बी०बी० या सूमिटोमो, किसी के द्वार पर नहीं जाना पड़ेगा। तो क्या सरकार इस पर विचार करने के लिए तैयार है? आज दूसरी समस्या यह है, जो हमारे मित्र जायसवाल जी ने कही, फोरेन डील वाली। आज स्पष्टता सामने है कि हरेक में कट है। यहां तक मुझे स्मरण है, आज के हमारे राष्ट्रपति महोदय ने कभी अपने भाषण में इसी सदन में कहा था कि जब वह तमिलनाडु में फाइनेंस मिनिस्टर थे तो उन्होंने जापानी कंपनी को आठ स्पिनिंग मिलें लगाने का आर्डर दिया था। आठ स्पिनिंग मिलें लग जाने के बाद फाइनेंस में उस कंपनी के व्यक्ति ने आकर कहा कि साहब, इसमें इतना कट है, यह ले लीजिए। उन्होंने कहा- मुझे यह कट नहीं चाहिये, इसके बदले में एक स्पिनिंग मिल और लगा दो। और, यह रिकार्ड है कि नौवीं स्पिनिंग मिल तमिलनाडु में लगी।

This is the performance of our present President who was then the Finance Minister of Tamil Nadu. This is on record.

महोदया, फोरेन डील में कट होने वाली है, इसलिए फोरेन डील को या तो ओपेन करें और इस प्रकार करें ताकि आपके ऊपर आक्षेप न आए। पिछले दो-तीन-चार सालों में हमने फोरेन डील बहुत की है और दुर्भाग्य है कि हरेक के अंदर से धुंआ उड़ता है कि यह कट हुआ, यह कट हुआ। वास्तविकता आज की दुनियां का नियम है और उस नियम से कोई बाहर नहीं जा सकता। उसको करने के लिए आपको कुछ फूलप्रूफ अरेंजमेंट करना पड़ेगा। शायद पार्लियामेंट की सारी पार्टियां मिलकर एक कमेटी हाईपावर बनाकर निगोशिएट करे तब उसमें चीज आए कि ठीक है भाई, तुम्हारा पांच परसेंट कट है, तुम पांच परसेंट माल हमको ज्यादा दे दो। अब इसके कारण, महोदया, जो हमारे राजनीतिक जीवन में भ्रष्टाचार हो रहा है। पिछले पांच साल से बोफोर्स कांड का सुन रहे हैं। बोफोर्स का कांड व्यक्ति विशेष का नाम नहीं है, व्यक्ति विशेष का नाम जोड़ा, पार्टी विशेष का नाम जोड़ा गया। परन्तु, मैं आपसे नम्र निवेदन करना चाहता हूं कि उसके बाद जब हम लोग ट्रेन में चलते थे तो लोग पूछते थे कि आप एम०पी० है,आप राजनीतिज्ञ हैं, खूब खाया-पिया होगा आपने? समाज में हमारी प्रतिष्ठा धूल-धूसरित हो चुकी है। पार्लियामेंट का मेंबर, एम०एल०ए० भ्रष्टाचारी, घूसखोर, इस किस्म की बात बन गई है। इसको हमको बदलने की आवश्यकता है।

महोदया, यह आज भी जो बात हम सुन रहे हैं, इस प्रकार का उसमें भी धुआं उड़ रहा है। इसके लिए हमको इनडिजाइजेशन करना पड़ेगा। हम ऐसी चीज करें, जिसके अंदर यह चीजें न आएं और फिर जो चीजें हमारे यहां बन सकती हैं, हमारे यहां क्षमताएं हैं, उसको देखना चाहिये। आज बी०एच०ई०एल० का क्या हाल है? बी०एच०ई०एल० का हाल है कि यह आर्डर उनको न देकर ए०बी०बी० को दे दिया और उस ए०बी०बी० को देते समय हमारे सामने एक समस्या और आई है कि हमको फोरेन लोन मिल रहा है। महोदया, फोरेन लोन जब भी हमको मिलता है तो वह किसी चीज को लेने के लिए मिलता है, कोई हमको दान-दक्षिणा में नहीं देता है। अपनी मशीनें बेचने के लिए लो-इंटरेस्ट पर वह हमको लोन देते हैं। इसको हमको सख्ती से लेना चाहिये। जितना मेरा ध्यान है, सारे लोन जो हैं वह जो विदेशों से आते हैं, वह हमारे लिए लाभकारी नहीं है बल्कि हानिकारक हैं। वह लोन हमको देंगे, परन्तु उसके बदले में अपनी मशीनें देंगे। मैं आपके सामने नम्र निवेदन करना चाहता हूं कि बिहार के अंदर मुझे अनुभव है, एच०ई०सी० की मशीनें आई,... बोकारो की आई। जितनी मशीनें रशिया से आई, वह सब वहां की ओब्सोलीट टेक्नोलोजी की आई जो वहां चल नहीं सकती थी। उनकी जो मार्केट वैल्यू थी, उससे बहुत ज्यादा हमसे लिया गया। हम हमेशा घाटे में रहे। आज भी स्पेयर्स के लिए हम मोहताज हैं। इसलिए मेरा यह कहना होगा कि इस सारी चीज को बड़े दृष्टिकोण से देखिए। किस घेरे में आप घिर गए हैं, उस घेरे से निकलने के लिए कोशिश करिए। इन घेरों में कोई न कोई रेलवे मिनिस्टर, फाइनेंस मिनिस्टर और डिफेंस मिनिस्टर फंसता रहेगा जब तक कि इसकी कोई समुचित व्यवस्था आप नहीं करेंगे।

मैंने इस संबंध में आपके सामने एक योजना रखी है और उसका प्रारूप आपके मंत्रालय में है। मैं नम्र निवेदन करना चाहूंगा कि उसका अध्ययन करें और अगर उसमें से दस, बीस, पचास प्रतिशत भी लागू हो सके और देश का फोरेन एक्सचेंज बच सके, हमारी एफिशियेंसी बढ़ सके। हमारा रिजर्व बढ़ सके तो देश के अंदर एक नया पत्ता आएगा। इतना ही मैं आपसे निवेदन करना चाहता हूं।

अंततोगत्वा फिर इसके साथ एक अन्य प्रश्न जुड़ा है। हम रोज यह कहते हैं कि पब्लिक सैक्टर काम नहीं कर रहा है। Who is responsible? Our Ministers our Ministries and public sector undertakings.

उसके जो कारण बताए जाते हैं जिनकी परंपरा नहीं है और हमने जो इतना बड़ा सैक्टर खड़ा किया है क्या वह केवल अपने आदमियों को नौकरी दिलवाने के लिए किया है? देश का एक लाख करोड़ रुपया लगाकर घाटे में जाने के लिए किया है? आज मेरे हिसाब से जो सबसे बड़ा इकनोमिक क्रंच हमारे ऊपर है वह पब्लिक सैक्टर का नॉन रिम्युनेरेटिव होना है। हम उसके ऊपर 7-8 परसेंट इंट्रस्ट दे रहे हैं और 3 परसेंट रिटर्न आ रही है। हर साल का घाटा हमारी इकोनोमी को डुबाता जा रहा है। यह मौलिक प्रश्न है। इसके संदर्भ में आप सोचिए।इस डील के बारे में मेरे मित्रों ने बहुत सी बातें कही हैं, मुझे कुछ कहना नहीं है। मैंने एक स्पष्टीकरण पूछा था। मुझे आशा है कि मंत्री जी उसका जवाब अवश्य देंगे। जो योजना मैंने रखी है उसके बारे में रिऐक्ट करेंगे या बाद में मुझे जानकारी देंगे तो मैं धन्यवाद मानूंगा। धन्यवाद।

SHRI C.K. JAFFER SHARIEF: Madam Deputy Chairman, I am really grateful to the hon. Members from both sides who have taken greater interest in the debate and also educated me on most of the matters which perhaps I need to know. I am very much obliged to the Leader of the Opposition. In fact, I requested him to have the debate yesterday as I have to go to my native place for the festival. But yesterday because of other discussions it could not be accommodated and today the House and all the parties have been kind enough to accommodate it. I was interested in this debate. Doubts are not good. Doubts have to be cleared. These kinds of discussions certainly make our democracy vibrant, but at the same time it creates certain problems. Before I should say anything I must make one point clear that I am speaking here not just on behalf of the Railway Ministry because I happen to represent the Railway Ministry, but I speak on behalf of the total Government. When I say this, I have absolute faith and trust in, and respect to, the total administration-be it the Railways, be it the Finance, be it the Industries. I have not found fault with anybody's decision at any level. This is a very strange thing. If a decision is taken, why is such a decision taken? If there is a rethinking, why is there a rethinking? How can any Government and administration function? All of us sitting here come here to represent the people of India. We come from the public life. We take pleasure in trying to attribute motives because we have not been able to take decision either in favour of 'A' or 'B' which we are not supposed to do. We have to go according to the laws. Those of them who know the principles of government, know well that there are three stages. The Tender Committee is not everything. The Tender Committee is only a recommendatory body. Over and above the Tender Committee there is a reviewing authority. Over and above the reviewing authority there is a competent authority. Today I may be a Minister. Sometimes tomorrow you may have to sit in my place. Let us try to understand our respective roles. The Tender Committee took some decision, the reviewing authority took some decision, the competent authority took some decision. Maybe at some stage something might have led to rethinking. If rethinking was for a right cause, are we going to attribute motives? If it was taken for a wrong cause, yes, we should correct it. Let me first speak for myself. Nobody should doubt that any one of us is less patriotic, less concerned about our public sector undertakings than anybody else. Today I am more pained and hurt. Every effort that I took was an effort to help and support the BHEL. There was no effort to block the entry of BHEL or prevent BHEL from getting the opportunity. But it is not your own. Somebody is funding. Somebody is funding for a specific purpose. This is not something which originated during my time. I am glad that my friend Mr. Upendra rightly said that, maybe, the delivery took place during my time. But it was conceived long before. There were two Expert Committees which had gone into this. Both of them had taken a decision about three-phase 6000 horsepower electrical locomotives to be taken. In fact, Mr. Upendra quoted something from the Railway Convention Committee report at the very beginning. Certainly, we will look into that. When this tender was opened, I was not in

[Shri C.K. Jaffer Sharief]

office. At that time, my esteemed friend Mr. Yashwant Sinha was the Finance Minister of this country. It is not that he could do nothing. The question is none of us had any pre-conceived notions about what to do. These were all there before. The question, when it comes before a Minister, a reviewing authority, a competent authority, certainly one has to look into. If you are a Minister, so many people come and tell you so many things. Certain things come to your mind. I did ask whether it is a proven technology; if we are borrowing loan, whether it is cheaper, whether it is in the larger interest of the country. I think, Madam, if all a person as a Minister has to do is to sign what the administration writes then I don't think I should cause any burden to the exchequer. Secretaries will take care of it. There will be no need of any Minister. If there are doubts, doubts should be answered. I am not shirking from that. But let us understand the basic concept of our system. How should we function today? Please, for God's sake, stop maligning the Government. You are not maligning any individual. You are not maligning any particular Government. But with all humility I would like to submit to the Opposition that their Governments' were of no consequence because they were never there and it is only the Congress party which has been managing this country for so long. And so, if you malign the Congress you are actually maligning India. You should bear this in mind...*(interruptions)*...

SHRI RAM AWADHESH SINGH: You cannot equate the Congress party with the nation...

SHRI YASHWANT SINHA: This is very extraordinary, Madam. I must submit very respectfully to the Minister that as he said, the functioning, the manner in which this debate has been conducted is a sign, a proof of the vibrancy of our democracy and he should proceed, please, in that light. There is no point in casting aspersions. We can also cast thousands of aspersions. So, if you don't want this to happen, then please, tell us the facts. We are interested in facts...

SHRI C.K. JAFFER SHARIEF: Please bear with me. I did not interrupt anybody...

श्री राम अवधेश सिंह: एक पोलिटिकल पार्टी को और देश को बराबर करना, इक्वेट करना, यह बात सही नहीं है, यह दृष्टिकोण सही नहीं है। आप गवर्नमेंट कहते हैं तो वह सही है लेकिन कांग्रेस पार्टी को नेशन से इक्वेट करते हैं, उसको देश के साथ आइडेंटिफाइ करते हैं, यह बर्दाश्त के बाहर है ...**(व्यवधान)**

SHRI C.K. JAFFER SHARIEF: What is to be done? Unfortunately, it is only the Congress party that is the sinner and all the others are noble parties...

SHRI RAM AWADHESH SINGH: You cannot equate a political party with the nation...

SHRI C.K. JAFFER SHARIEF: अच्छा मैं माफी चाहता हूं। इस पर बहस की जरूरत नहीं है.....**(व्यवधान)**

What I was trying to say is, we talk about the country having taken a new direction. There is a new economic policy. Whether we agree or not agree is something different. There has to be difference of opinion. It has always been there. We have adopted a new industrial policy. What is the message that we are sending outside? By doing this, are we going to bring credibility to ourselves? Are we going to create confidence in anybody's mind? Our Government has given a thrust, in the recently presented Railway Budget for gauge conversion, electrification and rolling-stock. We have taken up gauge conversion of 6000 kms of rail-line. The next priority is electrification. I am not deviating from the subject. This project of electric locomotives is very much related to it. For 4 years we have been paying commitment charges. Every day, 4000 dollars were being paid. It is not a small amount. Do you want to look back or do you want to look forward? Let me tell you, Madam, I have great respect for the officials of the Tender Committee who went into all these aspects in spite of whatever they may have decided. I have great respect for them. I trust them and have full confidence in them. I must say the Finance Ministry, the Secretaries' Committee, everybody had gone into these issues. An impression has been

created that all this was done in haste. But this is not true. The moment there are more competitors—lest people go and create problems—I allow it. The more the scrutiny, the better it is. And scrutiny was done, not at one or two or three levels, at various levels. I must confess I am a layman. Neither am I a technical expert nor am I an expert on economics nor am I a financial expert. And if I cannot have faith and trust in the people who are guiding or assisting me, then I don't think I deserve to be a Minister or I deserve to represent anybody. I don't think any Government can function like this. I don't think any administration can function like this. Therefore, briefly I refer to two or three things. First of all, as many speakers have already said, every opportunity was given. Even the administration may or may not accept but I must say as a Minister, re-tendering has taken place to facilitate BHEL. It may not be proper when we look at it judiciously. But it has been done. Maybe, it is in our public interest...

SHRI S. JAIPAL REDDY: Which re-tendering are you referring to, Mr. Minister?

SHRI C.K. JAFFER SHARIEF: Will you kindly bear with me? Please don't interrupt because I don't have that language command to maintain my thoughts. Please sympathise with me...

SHRI S. JAIPAL REDDY: Since you are on record, which re-tendering are you referring to?

THE DEPUTY CHAIRMAN: If you keep pulling the chain, how will he reach the station? However, fast the locomotive engine he brings and from whichever part of the world, runs, if you keep pulling the chain, it is difficult. He is trying to run the train on time. Please bear with him and allow him to continue. *(Interruptions)*

SHRI S. JAIPAL REDDY: After what he has said, for Mr. Jaipal Reddy there is no other alternative except to pull the chain.

श्री अश्विनी कुमार: हमारे यहां तो डब्बे ही काट दिये जाते हैं। कोई सुविधा नहीं रहती है। **(व्यवधान)**

श्री राम अवधेश सिंह: चेन खींचने की जरूरत ही नहीं होती इंजन ही खराब रहते हैं। **(व्यवधान)**

श्री विश्वजित पृथ्वीजित सिंह: यह गाड़ी की चेन की बात नहीं कर रहे है दूसरी चेन की बात कर रहे है। **(व्यवधान)**

SHRI C.K. JAFFER SHARIEF: So far as the commercial evaluation of the lowest offer is concerned, as stipulated in the bid document, the offers were evaluated on the basis of the exchange rate ruling on the date of the opening of the tender, that is, 24th June 1991. This is the option given by the ADB, the funding agency. It gave two dates. Which is the date? The date when you open the tender or the date when you take the decision. So, they will have to give some date. So, the Tender Committee preferred that date of opening of the tender. So, on that date, according to the exchange rate on that date, the comparative evaluation between the offer of M/s ABB and M/s BHEL, Hitachi and Sumitomo is as under: M/s ABB—CIF price as quoted, Rs. 428.01 crores; CIF price after loading on account of variation in payment terms on uniform basis for comparison: Rs. 439.32 crores. Then comes BHEL—BHEL, Hitachi, Sumitomo: For destination price as quoted, Rs. 471.92 crores.

(2) For destination price after loading on account of variation in payment terms on uniform basis for comparison: Rs. 486.44 Crores.

Madam, here comes another element, the element of Customs duty. We say, "Customs duty, Customs duty, Customs duty." What is this Customs duty? When I speak as a Member of Parliament or as a Minister, I speak for the people of India. It is the money of the people of India. If I am giving money from the exchequer, it is the people's money, and if I am borrowing loan, it is on behalf of the people of India, and this I must bear in mind. Customs duty is not somebody's money, it is our own money. It goes from this pocket to that pocket. How does it make a difference? Minus Customs duty what is cheaper to me, to the country, which is the technology which is more proven and which will help us— these are the questions. I am given to understand that the technology of Sumitomo is one which is newly conceived and it is not in the market and it is not being used whereas the ABB one is being used in the developed world, in various markets,

[Shri. C.K. Jaffer Sharief]
and, recently, even the European markets are supposed to have placed orders. The question is whether our country should be a trial ground, a trial field, for some new technology.

SHRI YASHWANT SINHA: Mr. Minister, kindly yield for a minute. Mr. Jaipal Reddy has explained in detail that in every tender, there are technical and financial aspects and you deal with the technical aspects first and after you have technically approved the data or whatever it is, you go in for the financial bids. Now, from what I know, in this case, one tender was cancelled in April 1991 and fresh tenders were called which were opened in June 1991, on 24th June, to be precise, and these were commercial bids and these bids were from four bidders, ABB, BHEL, Sumitomo and Hitachi, against the global tender of 24th June. The point I am making is that this was the short list and the short list can only be of technically approved bidders. There must have been a technical committee which would have gone into it and so, the question of suitability cannot be raised after the commercial bids have been opened. You can only look at the price.

SHRI C.K. JAFFER SHARIEF: Madam, even conceding what he said, in the third tender, in the very tender, there is a conditionality. It is something like this—because I am a layman, I am putting it in my own language—that when I go to the Returning Officer to file my nomination paper and if I put down something and because of that if it is cancelled, then I will blame it on something else or somebody else. It is like that only. In the conditionalities, it is very clearly prescribed that BHEL is supposed to give all the data as required and they should satisfy us. I do not know whether we were satisfied in the second, in the third ...*(Interruptions)*...

SHRI S. JAIPAL REDDY: Madam, I only request the honourable Minister to be careful about these facts. When the second tender was floated, BHEL was considered technically competent, was considered capable of adding 20 per cent value at the domestic level. I am merely cautioning him.

SHRI YASHWANT SINHA: Just one moment. The Tender Committee's recommendation—and this is the extract was:

> "BHEL has furnished comprehensive details of the work to be done in India and the extent of imports corresponding to different items of supply like field assembly, etc., etc., as also the unit cost of maintenance and they were satisfied that the total indigenous content of BHEL came to 25.2 per cent."

SHRI C. K. JAFFER SHARIEF: Madam, I am sorry. I do not know what is in their possession.

SHRI S. JAIPAL REDDY: I have laid all the papers...

SHRI C. K. JAFFER SHARIEF: It is fine.

SHRI YASHWANT SINHA: Be cautious about your facts.

SHRI C. K. JAFFER SHARIEF: Whatever it is, it is there. I have to rely upon what is with me. *(Interruptions)* If I cannot get protection, I cannot ...*(Interruptions)*

THE DEPUTY CHAIRMAN: Please allow him to make his point. . . . .

अपनी बात उनको कहने दीजिये। जब आप बोल रहे थे तो तब सब लोग चुप बैठे थे।

SHRI C. K. JAFFER SHARIEF: As the Leader of the Opposition is known to me, I am grateful for cautioning me. *(Interruptions)* I am glad. You are my good friend.

SHRI S. JAIPAL REDDY: I apologise for being obliged to caution.

SHRI C.K. JAFFER SHARIEF: You are my well-wisher. You are my good friend. Why do you misunderstand that? I am appreciating it, your concern for me.

SHRI MALLIKARJUN: The second time when BHEL was called for negotiations, then it was obligatory on the part of BHEL to prove adherence to ABB guidelines—if 20 per cent value addition to be made for 15 per cent of price difference then the condition as such about this 20 per cent value addition, what are the indigenous components which BHEL is producing, that means all components value had to be established. For example, for one

single electric locomotive there will be 700 to 800 components...*(Interruptions)*

THE DEPUTY CHAIRMAN: Please.

SHRI MALLIKARJUN: 700 to 800 components. So the ABB guidelines as such, this 20 per cent value addition to that extent, what are the components indigenously BHEL is producing that has to be established. Unfortunately, this data has not been furnished second time in December 1990. That is how this has become infructuous. And again at the third bid the BHEL, as has been told by one of the hon. Members— in the bid document itself this clause is there. BHEL has to clearly mention what are the components relating to stores, labour and others. They have to specifically mention. On the contrary, in the third bid also BHEL has given a lump sum to the extent of what the hon. Minister has mentioned. But they have not classified it. That is how the opportunity BHEL has lost. When this has been referred to ADB; ADB has gone through it and finally also a complaint has been given by the BHEL and Sumitomo Corporation to ADB. After having gone through the documents they have clearly written to Sumitomo Corporation and also BHEL that they are not satisfied with this value addition to the extent which is needed.

SHRI S. JAIPAL REDDY: Mr. *Mallikarjun has intervened. I value his* intervention. He made a few statements. The second tender was cancelled. That was in 1990, December 1990, to enable BHEL to prove as to whether they would be able to make 20 per cent value addition. *(Interruptions)* Will you please wait for a minute?

Madam, I am reading out from the Memorandum sent by the Ministry of Railways to the Asian Development Bank (ADB).

9 P.M.

> "Refer to para 3. The commercial offers were open in December, 1990. The rates were very high."—the rates of all the parties—"As brought out in our letter of even number dated 8.1.1991 to the ADB, the prices tended to be high presumably due to inflationary factors, reduction in quantity, uncertainties arising out of the Gulf crisis, and its likely impact on the overall economic activity and price level."
>
> *(Interruptions)*

I am trying to answer him from his own document. Let me complete this.

SHRI S.S. AHLUWALIA: You cannot play lawn-tennis here. *(Interruptions)*

SHRI S. JAIPAL REDDY: Then I will be free to table a privilege motion. Please hear me.

> "ADB's permission was sought to conduct negotiations with the BHEL to discuss absorption of technology and possible reduction in price." *(Interruptions)*

You please listen to me. I am talking to the Minister who knows more.

> "Despite negotiation, BHEL did not reduce the prices and the tenders were discharged."

So, the tenders were discharged because BHEL could not reduce the prices, not because it failed to prove they could make 20 per cent value addition. You are making a wrong point. I just want to correct you.

SHRI MALLIKARJUN: I also want to say one thing. Just a few minutes, Madam.

It is of 21st November, 1991, and it is to Mr. S. Dabuchi, General Manager, Transportation, Project and Equipment Department, Sumitomo corporation. This is a letter from ADB. What has been sent to them is, in the second round of rebidding, the bid invitations were specifically advised...*(Interruptions)*

SHRI S. JAIPAL REDDY: No, no. I am on a point of order. Since the Minister is referring to an official document, I request him to lay it on the Table of the House.

SHRI MALLIKARJUN: All right.

SHRI S. JAIPAL REDDY: Otherwise, he cannot quote from it.

SHRI MALLIKARJUN: As a Minister, whatever information I have, I have to give.

THE DEPUTY CHAIRMAN: He is a 'Mantri'.

SHRI S. JAIPAL REDDY: I am being

[Shri S. Jaipal Reddy]
respectful. I am merely saying that the document be made available. That is the rule.

THE DEPUTY CHAIRMAN: What the Minister says, under Rule 249, as a Minister, he will have to read from the official document. He cannot quote from a newspaper report. So, whatever he speaks is official.

SHRI YASHWANT SINHA: Under rule 249, he has to lay it on the Table.

THE DEPUTY CHAIRMAN: Then he says, it is laid. Whatever he says—and if he quotes the document it is assumed to be laid already. That is all.

SHRI S. JAIPAL REDDY: I must be able to refer to it tomorrow.

THE DEPUTY CHAIRMAN: Whatever he said, you can refer to it because he is making a statement on the floor of the House.

SHRI S. JAIPAL REDDY: No, no, a document consists of many parts, and the selectivity can be very intelligent. Therefore, whenever you quote, the whole document has to be placed. A document is judged in its entirety.

SHRI M. M. JACOB: Madam, the rule has a proviso also.

SHRI YASHWANT SINHA: Let him claim that privilege.

SHRI M. M. JACOB: Rule 249 has a proviso also.

THE DEPUTY CHAIRMAN: It says: "Provided further...*(Interruptions)* Let me read it.

SHRI S. JAIPAL REDDY: Let him claim that a disclosed document will lead to harming of the National Interest. Then I will produce the doucment tomorrow. I will see how the interests of the nation will be damaged.

THE DEPUTY CHAIRMAN: He has not said that.

SHRI MALLIKARJUN: I will not quote anything. But I will give the substance of what has happend. *(Interruptions)*

SHRI YASHWANT SINHA: You have already quoted.

SHRI MALLIKARJUN: I have not quoted. You have not allowed me to quote. *(Interruptions)* Madam, the substance as such is, when this has been referred to ADB, ADB has categorically sent a letter to Sumitomo that for BHEL to have 20 per cent value addition, they have not substantiated. That is, they were only emphasising that you have not given a break-up of all the components of 20 per cent that you are going to produce, and that is how they closed the case with BHEL and also with Sumitomo Corporation.

THE DEPUTY CHAIRMAN: Second tender, as I understand.

SHRI MALLIKARJUN: Third tender.

THE DEPUTY CHAIRMAN: Yes, third tender.

SHRI MALLIKARJUN: Second tender has become infructuous because they have not come down, not that they have not sbumitted any data.

SHRI S. JAIPAL REDDY: Madam, he made a statement in regard to the documents in which the second tender was discharged and I proved him wrong.

SHRI MALLIKARJUN: He is totally wrong. He is misleading. I repeat what I said. When the second tender question came up, ADB allowed to call BHEL for negotiations.

SHRI S. JAIPAL REDDY: For what?

SHRI MALLIKARJUN: To reduce the price during negotiations, and the data was asked. But BHEL failed to provide the data to claim 20 per cent value addition, to claim 15 per cent price preference. That is how the tender has become infructuous.

SHRI S. JAIPAL REDDY: No, I am quoting. I just now quoted from a document which the Minister wrote to ADB.

SHRI C. K. JAFFER SHARIEF: No, I am not prepared to yield Mr. Jaipal Reddy.

श्री राम नरेश यादव (उत्तर प्रदेश): कब तक अंत होगा इसका। हर सवाल इस तरह से खड़ा होगा, फिर अंत ही नहीं होने वाला है। **...(व्यवधान)**

THE DEPUTY CHAIRMAN: राम अवधेश जी बैठिये। मंत्री जी आपने अपनी बात

कही...Now, what you wanted to say you have said; whatever documents you wanted to refer to, you have referred; whatever documents are available with the Ministers, they have referred to them. Now, that is all I think. Let the House decide.

SHRI S. JAIPAL REDDY: This is the beginning, not the end.

THE DEPUTY CHAIRMAN: I think it should be the end. It is 9.10 already. We have got two statements and we have got half-an-hour discussion.

श्री भुवनेश चतुर्वेदी (राजस्थान): नेक्स्ट सेशन में रख लीजिये।

श्री सुरेन्द्रजीत सिंह अहलुवालिया: बिहार के एम०एल०ए० को जो हत्या हुई है उसके मामले में...**(व्यवधान)** कर लीजिये। टेंडर होते रहेंगे इनके।

THE DEPUTY CHAIRMAN: And one Minister has been sent away, otherwise another half an hour would have been taken.

SHRI C. K. JAFFER SHARIEF: Madam, I will not take more than two minutes.

SHRI S. S. AHLUWALIA: Now they are all satisfied.

SHRI C. K. JAFFER SHARIEF: It has been the practice and everybody who has functioned in this House, whether on this side or as a Member, knows that whenever the Members elicit information, the Ministers are bound to refer to certain records and tell that. But if you go on saying these things and ask for a paper to be laid, I don't think it would be correct as I have seen in my 22 years of Parliamentary experience.

SHRI YASHWANT SINHA: You leave that to the Chairman. Let us not go into that.

श्री राम अवधेश सिंह: टेंडर कैंसिल हो रहा है कि नहीं?

SHRI C. K. JAFFER SHARIEF: छोड़िये, यह तमाशा। What my esteemed colleague was referring to was that there were representations from the Sumitomo and also the BHEL to the ADB, the funding agency. This funding agency has gone into all aspects and they have replied saying that there is no merit in their case. Not only this, even the Ministry of Finance has written to them. Now I will not go into all the details. I refer to only one thing which is of utmost importance.

SHRI ANANT RAM JAISWAL: On one point of information, Madam. Will the Minister tell me as to when this allegation that BHEL did not furnish full information was discovered for the first time?

SHRI C. K. JAFFER SHARIEF: When the question was asked by the competent authority...

SHRI S. JAIPAL REDDY: When?

SHRI C. K. JAFFER SHARIEF: I can't just give every date...*(Interruptions)*...Third time. ...*(Interruptions)*... Whether it was proven or not proven, whether it was cheap or not cheap, then it came. I would only like to submit that the one which came from ADB was on 6th February 1992. The Asian Development Bank reiterated its position as follows:

> "In the invitation to rebid the third round, the bidders were specifically advised that for the bid to be qualified as category I, bid under the domestic preference scheme, the bidder should provide necessary information with the bid to establish the eligibility of the bid for the preference including the domestic value added requirement. These details were not provided in BHEL's offer which contained only a descriptive list of domestically added components. In the circumstances, BHEL's offer did not qualify in category I and was, therefore, considered under category II and the Bank has endorsed the recommendation of the project executing agency.
>
> Due consideration has also been given to the various issues raised by subsequent representations received by the Bank from BHEL and Sumitomo Corporation. The Bank is of the view that there are no valid grounds for the Bank to reverse its earlier endorsement of the recommendation of the project executing agency regarding the evaluation of bids.
>
> "We would like to assure you that this matter has received the fullest consideration in the Bank.

[Shri C.K. Jaffer Sharief]

Our concern is that in case this contract is not awarded to the lowest evaluated and substantially responsive bidder as per the Bank's guidelines for procurement, the on-going tendering process (third round, overall spanning four years) would have to be terminated."

The implication of such an action on the second railway project, which was approved on the understanding that the locomotive procurement issue has been resolved, would be another issue. That means we will be losing two. This is exactly the position under which ...*(Interruptions)*...

SHRI S. JAIPAL REDDY: You are merely skipping over the issues. If you are not yielding, I am sitting down.

SHRI C. K. JAFFER SHARIEF: Madam, there is nothing that I can answer more than this. It is up to them to believe or not to believe.

So far as the demand that they have made is concerned, Madam, we have a well inbuilt system. There are Parliamentary Committees. As Mr. Upendra says, the Railway Convention Committee is there, the Public Accounts Committee is there, so many Committees are there. When the Committees are there, they will go into this issue. I do not want that any step that we take at this juncture, when we have already offered our acceptance of the loan, should create an embarrasing situation to overselves as a country and also create doubts about our credibility with the funding agencies abroad. Thank you very much, Madam.

SHRI S. JAIPAL REDDY: Are you prepared to answer my question, Mr. Minister? ...*(Interruptions)*...As a protest against the failure of the Minister to give answers to any questions and as a protest against his failure to respond to our demand for a House Committee inquiry, we stage a walkout.

(At this stage, some hon. Member left the Chamber)

SHRI MALLIKARJUN: Madam, no question of House Committee, no question of...*(Interruptions)*...

SHRI P. UPENDRA: Madam, point of order.

THE DEPUTY CHAIRMAN: What is the point of order?

SHRI P. UPENDRA: About the Minister's statement.

THE DEPUTY CHAIRMAN: Which statement?

SHRI P. UPENDRA: This very statement.

THE DEPUTY CHAIRMAN: There are two statements.

SHRI P. UPENDRA: It has been listed.

THE DEPUTY CHAIRMAN: There are two statements which have been listed. One is about Bihar, and the other is about Nagaland. Which are you objecting to?

SHRI P. UPENDRA: Bihar.

THE DEPUTY CHAIRMAN: Why?

SHRI P. UPENDRA: My point of order, Madam, is...*(Interruptions)*....

SHRI H. HANUMANTHAPPA: No point of order. ...*(Interruptions)*....

SHRI M. M. JACOB: Madam, I think you called me for Nagaland *(Interruptions)*

SHRI P. UPENDRA: Please hear my point of order.

THE DEPUTY CHAIRMAN: Yes, I am hearing.

SHRI P. UPENDRA: This is a wrong precedent....*(Interruptions)*...

THE DEPUTY CHAIRMAN:Please. Yes.

SHRI P. UPENDRA: So many political murders are taking place both in the Congress-ruled States and in the non-Congress-ruled States. It is a very unfortunate incident that an MLA has been killed. But to ask the Home Minister to make a statement and again to ask for clarifications and all that will set a bad precedent. I have a list of MLAs killed in Bihar itself during the tenure of six Congress Chief Ministers. Therefore, it will only lead to an acrimonious debate. I ask him, based on whatever information is there, write to the Members, whoever has asked for it.

SHRI S.S. AHLUWALIA: Why? We want clarifications.

SHRI M.M. JACOB: Madam, I thought that you called me for Nagaland.

Bihar or Nagaland? Which statement did you call for? *(Interruptions)*

SHRI S. JAIPAL REDDY: I welcome the statement of the Home Minister. I demand the statement of the Home Minister.

SHRI YASHWANT SINHA: They have already made that statement in the other House. How can this House be denied of that opportunity? ...*(Interruptions)*

THE DEPUTY CHAIRMAN: Nobody is objecting. Please, now, there are two statements. *(Interruptions)* Do you want Nagaland first?

SHRI M.M. JACOB: I am ready for any of them, whichever you decide.

THE DEPUTY CHAIRMAN: Okay. I think we can have Nagaland first and then go to Bihar.

SHRI S.S. AHLUWALIA: No, no, Madam. Bihar first.

THE DEPUTY CHAIRMAN: There is a technical revision. *(Interruptions)*

SHRI M.M. JACOB: Okay, I am agreeable, Madam.

THE DEPUTY CHAIRMAN: Okay, Bihar. ...(व्यवधान)

चलिए बिहार चले जाइये। फिर वहां से नागालैंड जाइयेगा। ...(व्यवधान)...चलिए बिहार सही।...(व्यवधान)

I have got 25 clarifications. I think everybody is asking. And I have got about 30 clarifications on Nagaland. They have given names and gone.

SHRI BHUVNESH CHATURVEDI: They will ask clarifications in the next session.

SHRI H. HANUMANTHAPPA: Madam,...

THE DEPUTY CHAIRMAN: What is your clarification?

SHRI H. HANUMANTHAPPA: The point is, every now and then, I do not know whether by pressure or by will of the Members, order is being changed. Somebody wants a change, and we change it. Somebody wants another one, we change it. Actually, there is a Supplementary Agenda today circulated that the Nagaland statement would be taken up immediately after the Legislative Business.

THE DEPUTY CHAIRMAN: After the....?

SHRI H. HANUMANTHAPPA: Immediately after the Legislative Business. That was not allowed. We pressurised the Chair to take up the Short Duration Discussion. Now after the Short Duration Discussion the order is being changed. *(Interruptions)*

THE DEPUTY CHAIRMAN: I think, Mr. Hanumanthappa has a point in it because if we keep on changing the order, then, there will be difficulty. The Nagaland statement is only half a page. We can have it, and then we can go to Bihar. First Nagaland.

SHRI M.M. JACOB: Madam, the Government....

SHRI S.S. AHLUWALIA: Madam, the Bihar statement has already been circulated.

THE DEPUTY CHAIRMAN: Never mind. The other will also be circulated. Circulate the Nagaland statement now.

SHRI S.S. AHLUWALIA: You have yourself given a ruling in the morning that before starting another business we would take Bihar.

THE DEPUTY CHAIRMAN: No, no. I did not give any ruling. I did not give any such ruling. I said that according to the listed business we would go. Now there is a Supplementary List of Business. Unfortunately, the statements keep on falling on us like rain in between. We have one listed business. Then we have to have another Supplementary List of Business.

SHRI V. NARAYANASAMY: All the statement are kept on the last day. That you have to see. *(Interruptions)*

SHRI S.S. AHLUWALIA: That is why you avoid this. Since morning he is avoiding this.

THE DEPUTY CHAIRMAN: What is the order of business. Let the Secretariat inform this. That is better.

Nagaland is first, it is a constitutional requirement, the Nagaland one.

SHRI S.S. AHLUWALIA: Madam, if it was a constitutional requirement, why was it not introduced at 11-00 a.m. today morning? Why was it not done?

SHRI SHANKAR DAYAL SINGH (Bihar): Yes.

SHRI S.S. AHLUWALIA: Why did he fail?

SHRI SHANKAR DAYAL SINGH: I support you on this point, Mr. Ahluwalia. *(Interruptions)*

SHRI V. NARAYANASAMY: Except the assassination of the Congress MLA in Bihar....*(Interruptions)*

श्री सुरेन्द्रजीत सिंह अहलुवालिया: मैडम, बिहार में एक कांग्रेस एम०एल०ए० की नृसंस हत्या हुई है। मैं पिछले एक हफ्ते से चिल्ला रहा हूं। उसके बाद एक अवसर मिला है, लेकिन उसे सुबह से लटकाए हुए हैं, टेक अप नहीं किया जा रहा है। इसमें ऐसी क्या हर्डल आ रही है और अगर वह आई तो ।। बजे क्यों नहीं अनाउंस किया गया? क्यों नहीं गृह मंत्री उपस्थित थे सदन में? क्यों नहीं अनाउंस किया नागालैंड का मुद्दा?

श्री मोहम्मद अफजल उर्फ मीम अफजल (उत्तर प्रदेश): अहलुवालिया जी, आप हमेशा सही बात उठाते हैं।

SHRI S.S. AHLUWALIA: I am not addressing you. I am addressing the Chair.

श्री मोहम्मद अफजल उर्फ मीम अफजल: पेश्तर बार आप ऐसा करते हैं लेकिन मुझे अफसोस यह है कि बार बार आप सिर्फ एम०एल०ए० का जिक्र कर रहे हैं। आपको उन तीन लोगों का भी जिक्र करना चाहिए जोकि इनकी हत्या से पहले मारे गए हैं। आपको उनका दर्द हो रहा है, लेकिन दूसरे लोगों का दर्द नहीं है।

श्री यशवन्त सिन्हा: मैडम, आपकी क्या रूलिंग है?

उपसभापति: दोनों लेने हैं।

The thing is that both the Statement have to be taken before 12 o' clock, midnight. It is listed over here that the Statement on Nagaland is to be taken after the conclusion of the Legislative business entered in the main Agenda for the day. Why was it not taken up after the Legislative business? Whoever was there in the Chair took a decision. *(Interruption)*

SHRI V. NARAYANASAMY: He was insisting that short duration discussion should be taken up. Now he is keeping quiet.

SHRI M.M. JACOB: Anyway, by this time Nagland Statement would have been over.

SHRI YASHWANT SINHA: There is not much to argue about it. It is a very late hour and we are wasting our time. You decide. We had agreed to take up Bihar. Let us take up Bihar. Why waste time?

SHRI S. S. AHLUWALIA: You take up Bihar first. *(Interruptions)*

THE DEPUTY CHAIRMAN: I have a solution. Because it is a Constitutional requirement, you make the Nagaland Statement now. Then make the Statement on Bihar. Let us get over with it. Then we will take up clarification on Nagaland. We can always find a via-media.

SHRI S. S. AHLUWALIA: We accept the Chair's wisdom.

THE DEPUTY CHAIRMAN: Yes, the Chair is always very wise.

Statement by Minister
Re: Presidents's Rule in Nagaland.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): The Governor of Nagaland in two messages both dated the 27th March, 1992, addressed to the President has informed that he had dissolved the Nagaland Legislative Assembly on the advice of the Chief Minister under Article 174 of the Constitution and the Chief Minister had been allowed to continue in caretaker capacity until fresh elections.

2. The Governor also mentioned that the majority of the Chief Minister was proved on the floor of the House during the Budget Session of Nagaland Legislative Assembly and the Ruling Party also got its candidate elected to the Rajya Sabha.

3. The Governor further reported that the Chief Minister had favoured fresh mandate from the people because of various pressures to which he had been subjected to and felt that purposeful administration could not be carried on with Ministers and MLAs pressuring for plum posts. The Governor also mentioned that in the process, the law and order had been neglected.

4. The Union Government considered the reports of the Governor and the situation prevailing in Nagaland. Clearly